

1996 Noncode Acts

1995-8-76

SECTION 76. (a) As used in this SECTION, "commission" refers to the Indiana election commission established by IC 3-6-4.1-1, as added by this act.

(b) As used in this SECTION, "election division" refers to the election division of the secretary of state's office established by IC 3-6-4.2-1, as added by this act.

(c) On January 1, 1997, the appropriations, property, records, and office space of the commission are transferred to the election division.

(d) An individual who, on December 31, 1996, serves as a co-director or an employee of the commission, serves as a co-director or an employee of the election division after December 31, 1996, with all the rights, duties, and conditions of employment the individual had as a co-director or an employee of the commission before January 1, 1997.

(e) This SECTION expires July 1, 1997.

1995-16-18

SECTION 18. (a) The municipal court judge whose term expires December 31, 1997, and who is serving as a part-time judge on that date, is entitled to continue serving as a part-time judge of the Marion superior court established under IC 33-5.1-2, as added by this act, until midnight December 31, 2000.

(b) The following apply to the part-time judge described in subsection (a):

(1) The judge may not practice criminal law in the Marion superior court, but may practice civil law in the Marion superior court.

(2) The judge may convert to full-time status at any time.

(c) If the judge serving as part-time judge of the Marion superior court stands for election in the general election held November 7, 2000, and any subsequent election, and is elected as judge of the Marion superior court, the judge may continue to serve as a part-time judge, subject to the provisions of subsection (b).

(d) If it is determined in a judicial ethics action that the judge serving as part-time judge of the Marion superior court may not engage in the practice of civil law before the Marion superior court, the cases in which the judge has entered an appearance or filed any pleadings shall be transferred to the Marion circuit court for further proceedings. The judge may continue to participate in the cases transferred to the circuit court. Cases transferred to the circuit court under this subsection have the same effect as if originally filed in or issued by the Marion circuit court.

1995-18-130

SECTION 130. (a) The county court of Kosciusko County is abolished as of January 1, 1997, and all matters pending in the Kosciusko county court on December 31, 1996, other than those pending in the small claims division, shall be transferred to the

Kosciusko superior court No. 2 in accordance with the venue requirements prescribed under Rule 75 of the Indiana Rules of Trial Procedure.

(b) These matters have the same effect as if originally filed in or issued by the Kosciusko superior court No. 2.

(c) This SECTION expires January 2, 1997.

1995-18-131

SECTION 131. (a) All matters pending in the small claims division of the county court of Kosciusko County on December 31, 1996, shall be transferred to the Kosciusko superior court No. 3 in accordance with the venue requirements prescribed under Rule 75 of the Indiana Rules of Trial Procedure.

(b) These matters have the same effect as if originally filed in or issued by the Kosciusko superior court No. 3.

(c) This SECTION expires January 2, 1997.

1995-46-90

(Repealed by P.L.15-1996, SEC.4.)

1995-40-7

SECTION 7. (a) An investment made by the treasurer of state under P.L.40-1995, SECTION 6 (repealed on the effective date of this SECTION) before the effective date of this SECTION, remains legal after the effective date of this SECTION.

(b) This SECTION expires July 1, 2002.

1995-98-2

SECTION 2. IC 6-3.5-6-18.5, as amended by P.L.98-1995, applies to county option income tax distributions made under IC 6-3.5-6 after December 31, 1995.

1995-340-35

SECTION 35. (a) There is appropriated for each state fiscal year thirty million dollars (\$30,000,000) from the build Indiana fund, state and local capital projects account (IC 4-30-17-3.5), to the local road and street account (IC 8-14-2) for allocation and distribution in accordance with IC 8-14-2.

(b) There is appropriated for each state fiscal year twenty million dollars (\$20,000,000) from the build Indiana fund, state and local capital projects account (IC 4-30-17-3.5), to the Indiana technology fund (IC 4-34-2) for allocation and distribution in accordance with IC 4-34.

(c) However, if the balance of the build Indiana fund, state and local capital projects account is insufficient to make the transfers required under subsection (a) or (b), the balance is appropriated from the state general fund for transfer to the local road and street account and the Indiana technology fund.

(d) This SECTION expires July 1, 1997.

1995-340-36

(Repealed by P.L.26-1996, SEC.10.)

1995-340-121

SECTION 121. (a) The trustees of Indiana University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, remodeling, renovating, furnishing, and equipping the law school-Herron art school project at Indianapolis, if the sum of the principal costs of the bonds issued is not more than nineteen million dollars (\$19,000,000).

(b) Bonding authority granted by this SECTION is eligible for fee replacement appropriations after July 1, 1997.

1995-340-122

SECTION 122. (a) The board of trustees of Purdue University may issue and sell bonds under IC 20-12-6, subject to the approvals required under IC 20-12-5.5, for the Purdue University-Calumet campus, classroom and office building project, if the cost of acquiring, constructing, remodeling, renovating, furnishing, or equipping the project financed by a series of bonds does not exceed fifteen million four hundred thousand dollars (\$15,400,000).

(b) The above authorization is eligible for a fee replacement appropriation after July 1, 1997.

(c) The authorization given in P.L.240-1991(ss2), SECTION 31, to the board of trustees of Purdue University to issue and sell bonds under IC 20-12-6 for the Purdue University-Calumet campus, auditorium and theater and convention center project in an amount not to exceed seven million seven hundred thousand dollars (\$7,700,000) is withdrawn.

1995-340-123

SECTION 123. (a) The trustees of the University of Southern Indiana may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, remodeling, renovating, furnishing, and equipping the general purpose classroom project, if the sum of the principal costs of the bonds issued is not more than fifteen million two hundred thousand dollars (\$15,200,000).

(b) Bonding authority granted by this SECTION is eligible for fee replacement appropriations after July 1, 1997.

1995-340-124

SECTION 124. (a) The trustees of Indiana University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, remodeling, renovating, furnishing, and equipping the classroom and student support services building and renovation project at its east campus, if the sum of the principal costs of the bonds issued is not more than ten million eight hundred thousand dollars (\$10,800,000).

(b) Bonding authority granted by this SECTION is eligible for fee replacement appropriations after July 1, 1997.

1996-1-100

SECTION 100. (a) Notwithstanding IC 13-17-10-1, a person may not incinerate PCB in an incinerator unless the person holds both of the following:

- (1) A permit issued by the commissioner specifically authorizing the incineration of PCB in the incinerator.
- (2) A certificate of environmental compatibility:
 - (A) that concerns the incineration of the PCB in the incinerator; and
 - (B) issued by the Indiana hazardous waste facility site approval authority under SECTIONS 101 through 107 of this act or IC 13-7-8.6 (before its repeal).

(b) Notwithstanding IC 13-17-10-2, the Indiana hazardous waste facility site approval authority may not grant a certificate of environmental compatibility that concerns the incineration of PCB until the study required by IC 13-17-10-3 is concluded.

(c) Notwithstanding IC 13-17-10-4, the study required by IC 13-17-10-3 must be concluded before July 1, 1995.

(d) This SECTION expires July 2, 1996.

1996-1-101

SECTION 101. (a) The purpose of SECTIONS 102 through 107 of this act and IC 13-22-10 is to:

- (1) provide for effective public participation in the siting process for hazardous waste facilities and low level radioactive waste facilities;
- (2) ensure that the impacts of hazardous waste facilities and low level radioactive facilities on communities are addressed and weighed against the public need for such a facility in Indiana; and
- (3) encourage technologies that:
 - (A) provide safe and effective alternatives to permanent entombment of hazardous wastes and low level radioactive wastes; or
 - (B) reduce the volume or degree of hazard of those wastes that must be permanently entombed.

(b) This SECTION expires July 2, 1996.

1996-1-102

SECTION 102. (a) Except as provided in IC 13-22-10-1, this SECTION, SECTIONS 101 and 103 through 107 of this act, and IC 13-22-10 apply only to construction of a facility that:

- (1) commences; or
- (2) is the subject of a new application under SECTION 105 of this act received by the Indiana hazardous waste facility site approval authority;

after December 31, 1994, and before July 2, 1995.

(b) This SECTION expires July 2, 1996.

1996-1-103

SECTION 103. (a) The Indiana hazardous waste facility site approval authority is created. The authority constitutes a public instrumentality of the state, and the exercise by the authority of the

powers conferred by this SECTION and SECTIONS 104 through 107 of this act is an essential governmental function.

(b) The authority consists of the following members:

- (1) Five (5) statewide members appointed by the governor.
- (2) Four (4) local members.

(c) The statewide members of the authority shall be appointed as follows:

- (1) One (1) member must represent business and industry.
- (2) One (1) member must represent labor.
- (3) One (1) member must represent agriculture.
- (4) One (1) member must be a hydrogeologist who has practiced in Indiana for at least five (5) years.
- (5) One (1) member must be a biologist, chemist, limnologist, or toxicologist and a member of:
 - (A) the science faculty of an institution of higher learning in Indiana; or
 - (B) the staff of scientists of an independent research organization in Indiana.

In appointing statewide members, the governor shall select residents of Indiana recognized in Indiana for their judgment, integrity, and credibility. The statewide members serve a term of four (4) years.

(d) The four (4) local members shall be appointed from the county in which a proposed facility is to be located, as follows:

- (1) One (1) resident of the largest municipality in the township containing the proposed facility shall be appointed by the executive of the municipality. If there is no municipality in the township, one (1) resident of the township containing the proposed facility shall be appointed by the township executive.
- (2) One (1) resident of the second largest municipality in the county containing the proposed facility shall be appointed to the authority by the executive of the municipality.
- (3) Two (2) residents of the unincorporated part of the county in which the facility is to be located, one (1) of whom may be the county health officer, shall be appointed by the county executive. However, the county health officer need not reside in the unincorporated part of the county to be appointed and to serve as a member of the authority.

If the affected city is a consolidated city, all four (4) local members shall be appointed by the executive of the city.

(e) The local members of the authority serve until the certificate is:

- (1) granted;
- (2) denied; or
- (3) no longer subject to their review.

(f) The authority constituted for a specific certificate application may be recalled to rehear an application upon an order from the Indiana court of appeals or supreme court for a rehearing.

(g) A member of the authority may not be:

- (1) a member of;
- (2) an employee of; or
- (3) associated with;

the solid waste management board, the department of environmental

management, or the staff of the board or department.

(h) A vacancy in the office of a member, other than by expiration, shall be filled in the same manner as the original appointment for:

- (1) the remainder of the term for statewide members; and
- (2) the duration of the duties and responsibilities of the local members.

(i) Vacancies shall be filled by the governor in not more than:

- (1) ten (10) days if an application was pending when the vacancy arose; or
- (2) thirty (30) days if an application was not pending when the vacancy arose.

(j) The governor may remove a statewide member for cause.

(k) The governor shall annually appoint one (1) of the statewide members as chairperson.

(l) Any five (5) members of the authority constitute a quorum to conduct business. The affirmative vote of a majority of the membership present and voting is necessary for a final decision on a certificate application. A vacancy in the membership of the authority does not impair the right of the quorum to act.

(m) Each member of the authority, including a member of the executive council, is entitled to reimbursement for traveling expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. Each member of the authority who is not a state employee is also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). All reimbursement for expenses shall be as provided by law.

(n) This SECTION expires July 2, 1996.

1996-1-104

SECTION 104. (a) There is established within the Indiana hazardous waste facility site approval authority an executive council consisting of the following:

- (1) The five (5) statewide members.
- (2) Two (2) additional local members appointed by the governor as follows:
 - (A) One (1) who is an executive of a municipality.
 - (B) One (1) who is a member of an executive of a county.

(b) If a vacancy occurs in the office of a local member of the council, the governor shall appoint a successor to finish the term of the member.

(c) The local members of the executive council:

- (1) serve a term of four (4) years;
- (2) may not be appointed to serve on an authority under SECTION 105(l) of this act;
- (3) may not participate in a proceeding of the authority under this chapter; and
- (4) have duties and responsibilities that are limited to the duties and responsibilities of the council under this SECTION.

(d) The executive council under IC 4-22-2:

(1) shall adopt rules governing the procedure to be used by the authority and other matters of operation; and

(2) may adopt rules on siting criteria that are consistent with SECTION 105(s) through 105(u) of this act.

(e) The executive council shall, upon receiving money for the compensation of a director, appoint a director of the authority who is qualified by experience, training, or both. In addition, the council may utilize the staff of the department as is necessary. The salaries for the director and staff are subject to confirmation by the state personnel board, the budget agency, and the governor.

(f) A simple majority of the executive council is required for the conduct of council business.

(g) The executive council:

(1) shall establish an application fee schedule based on the cost of reviewing applications; and

(2) may appoint consultants to assist the authority in reviewing applications for certificates.

(h) The statewide members of the executive council are entitled to be reimbursed for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in the performance of their duties on the executive council as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. Each member of the executive council who is not a state employee is also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(i) This SECTION expires July 2, 1996.

1996-1-105

SECTION 105. (a) Except as provided in subsection (b), a person who proposes to construct a:

(1) hazardous waste disposal facility;

(2) commercial hazardous waste facility; or

(3) commercial low level radioactive waste facility;

may not begin construction of the proposed facility until the person has obtained a certificate of environmental compatibility from the Indiana hazardous waste facility site approval authority.

(b) Subsections (a) through (h) do not apply to and a certificate may not be required for any of the following:

(1) A proposed facility for which local zoning or land use approval for construction and operation of the facility has been obtained.

(2) A recycling facility that is exempt from the requirements of Part B of the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(c) A person may apply for a certificate:

(1) before the person obtains; or

(2) after the person has obtained;

any other required state or federal approval or permit for the facility.

(d) An application for a certificate must include the following:

(1) A determination of the existing hydrogeological characteristics specified in a hydrogeological report.

- (2) A monitoring program consistent with the solid waste management board rules on ground water quality standards.
- (3) An environmental assessment.
- (4) An engineering plan including procedures for closure and postclosure monitoring.
- (5) Information that addresses the considerations to be made by the authority under subsection (t).
- (e) The environmental assessment must include, at a minimum:
 - (1) an evaluation of the proposed facility's impact on the air, water, and other natural resources of Indiana; and
 - (2) an environmental failure mode assessment.
- (f) The data required by subsections (d) and (e) may be in the form required to obtain other necessary permits and certificates to minimize duplicative development and presentation of data.
- (g) All documentation submitted under subsection (d) shall be taken as evidence for admission to the official record of each application.
- (h) A certificate issued by the authority under this SECTION:
 - (1) does not exempt the certificate holder from the duty of obtaining any other state permits, except for the exemptions under IC 13-22-10-2; and
 - (2) carries no presumption that the proposed facility complies with:
 - (A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or
 - (B) any other statute that qualifies this state to administer the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) hazardous waste management program.
- (i) A certificate of environmental compatibility may not be granted under this SECTION for the construction or operation of an incinerator for the destruction of PCB (as defined in IC 13-11-2-155) at levels established under the federal Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or regulations adopted under the federal Toxic Substances Control Act (42 U.S.C. 2601 et seq.) and operated as a hazardous waste facility if the incinerator:
 - (1) burns or will burn municipal waste (as defined in IC 13-11-2-133) to fuel the incineration process; and
 - (2) is or will be in a solid waste management district established under IC 13-21-3-1 or IC 13-9.5-2-1 (before its repeal);unless the solid waste management district has incorporated the incinerator as an active part of the district solid waste management plan submitted by the solid waste management district under IC 13-21-5-1 or IC 13-9.5-4-1 (before its repeal) and approved by the commissioner of the department of environmental management under IC 13-21-5-8 or IC 13-9.5-4-3 (before its repeal).
- (j) When the authority receives an application for a certificate, the director shall, within thirty (30) calendar days after the date of receipt of the application for a certificate, mail written notice to the applicant whether or not the application is complete. If the application is not complete, the applicant shall be given a reasonable period in which to complete the application. When the director mails the written notice to an applicant that the application is complete, the director shall also

immediately notify all of the following:

- (1) The statewide members of the authority.
- (2) The executive of the county in which the proposed facility is to be located.
- (3) The executive of the municipality in which or nearest to which the proposed facility is to be located.
- (4) The soil and water conservancy district under IC 14-32 in which the proposed facility is to be located.
- (5) Any planning authority or agency created by state law and whose planning duties include the area in which the proposed facility is to be located.

The notice required by this subsection must include a description of the procedure to be used by the authority in reviewing, granting, or denying the application for a certificate.

(k) In addition to informing the authority and affected units of local government and any subdivision of state government, the director shall publish a notice of the receipt of the application for a certificate for a facility in a newspaper of general circulation in the county and in the municipality nearest to the proposed facility. The notice must include:

- (1) a map indicating the location of the proposed facility;
 - (2) a description of the procedure to be followed by the authority;
- and
- (3) identification of a public place where a copy of the application and the accompanying documentation may be reviewed by the public and where copies of the documents may be made.

(l) Within thirty (30) days after the issuance of the notice of the filing of a complete application under subsection (j), the director shall notify by mail the executive of the county and the executive of the municipality that the executives have forty-five (45) days after receipt of the notice in which to select and appoint their respective representatives on the authority under SECTION 103(d) of this act. Failure of the executive of the county or municipality to appoint the representatives within the specified period:

- (1) does not prohibit the authority from meeting to consider an application for a certificate; and
- (2) does prohibit the executive from making any further appointments.

(m) The executive of the county and the executive of the municipality shall notify the chairperson of the authority of the appointments to the authority made within the period allowed in subsection (l) and when the appointments were made. The authority is considered created and fully constituted on the earlier of:

- (1) the date that all nine (9) members were appointed; or
- (2) the expiration of the forty-five (45) day period in subsection (l).

When the authority is fully constituted, the chairperson shall declare and notify the establishment of the authority and the date of creation to all the authority members.

(n) Within ten (10) days after creation, the authority shall do all of the following:

- (1) Meet upon the call of the chairperson.
- (2) Establish a timetable for consideration of the application. The

timetable may not allow for final action of the authority to be made later than one hundred twenty (120) days after the first date the authority meets.

(3) Establish a date for a public hearing and comment period on the application to be held in the affected municipality.

(4) Arrange for publication of notice of the public hearing in a newspaper of general circulation in the vicinity of the proposed disposal facility.

(o) The notice required by subsection (n) must:

(1) include a map indicating the location of the proposed facility;

(2) include a description of the procedure to be followed by the authority;

(3) identify a public place where a copy of the application and the accompanying documentation may be reviewed by the public and where copies of the application and accompanying documentation may be made;

(4) identify the time and place for the public hearing at which the authority will receive public comment and input on the application;

(5) state that written comments from the public will be received by the authority at any time before or during the public hearing; and

(6) be published at least thirty (30) days before the date of the public hearing.

(p) The public hearing required by subsection (n) must be held not less than forty-five (45) days before the adjudicatory hearing required under by subsection (s).

(q) The authority shall provide an applicant with copies of all written comments not more than five (5) days after receipt by the authority of the copies.

(r) The authority shall accept:

(1) oral or written testimony, or both, at the hearing; and

(2) written testimony received within fifteen (15) days after the hearing.

(s) The authority shall:

(1) hold an adjudicatory hearing under IC 4-21.5 to review and evaluate the impact of the proposed facility on the county and on the municipality in which or near which the facility is to be located; and

(2) make a final determination on the application.

(t) In making the review and evaluation under subsection (a), the authority shall consider the environmental and social impacts of the following:

(1) The risk and probable impact of an accident during transportation of hazardous wastes or low level radioactive wastes.

(2) The risk and probable impact of contamination of ground and surface water by leaching and runoff from the proposed facility.

(3) The risk of fire or explosion from improper storage and disposal methods.

(4) The effect on the county or municipality in terms of health,

safety, cost, and consistency with local planning and existing development. To this end, the authority shall consider local ordinances, permits, or other legal requirements and their potential relationship to the proposed facility.

(5) The nature of the probable environmental impact, including the specification of the predictable adverse effects on the following:

(A) The natural environment and ecology.

(B) Public health, population density, and safety.

(C) Scenic, historic, cultural, and recreational value.

(D) Water and air quality, and wildlife.

(6) An evaluation of measures to mitigate adverse effects.

(7) Concerns and objections raised by the public.

(u) At the hearing required by subsection (s), an applicant has the opportunity to respond to any of the written or oral public comments received by the authority.

(v) This SECTION expires July 2, 1996.

1996-1-106

SECTION 106. (a) The Indiana hazardous waste facility site approval authority shall also determine the number of local health and public safety officials and employees to be trained to provide emergency response service in connection with:

(1) transportation of hazardous wastes or low level radioactive wastes to; and

(2) treatment, storage, and disposal of hazardous wastes or low level radioactive wastes at;

the proposed facility.

(b) In making the determination required by subsection (a), the authority shall consider the:

(1) capability of local officials and employees to monitor procedures relating to the transportation, treatment, storage, and disposal methods at the proposed facility; and

(2) ability of local officials and employees to recognize and respond to accidents or improper methods or procedures involving the transportation, treatment, storage, and disposal of hazardous wastes or low level radioactive wastes.

(c) If the authority determines that there is a need for education and training of local officials and employees concerning the transportation, treatment, storage, and disposal of hazardous wastes or low level radioactive wastes, the authority shall provide as a condition to the granting of a certificate under this chapter that the owner of the proposed facility pay an annual fee to the solid waste management board to be deposited in the fund created by subsection (g). The amount of the fee shall be based upon the estimated cost of the necessary education and training.

(d) The fee set by the authority under subsection (c) shall be used by the solid waste management board to provide education and training only for local officials and employees in the geographic areas near the proposed facility. The education and training shall be designed to:

(1) enable local officials and employees to evaluate the methods

and procedures for transportation, treatment, storage, and disposal at a facility;

(2) properly and safely respond to accidents; and

(3) identify improper methods or procedures.

(e) Excess money remaining from the fee may also be used for the purchase of safety equipment and materials that the solid waste management board considers appropriate for the adequate performance of a local program of hazardous waste or low level radioactive waste safety and response.

(f) The solid waste management board shall annually review and reestablish the fee set under subsection (c) as the solid waste management board considers necessary to meet the continuing education and training needs of the local officials and employees.

(g) The hazardous waste and low level radioactive waste training trust fund is established. All money collected under subsections (c) and (d) and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of subsections (c), (d), and (e). Money in the fund at the end of a state fiscal year does not revert to the state general fund unless the fund is abolished.

(h) This SECTION expires July 2, 1996.

1996-1-107

SECTION 107. (a) The Indiana hazardous waste facility site approval authority may mitigate specific concerns and objections to the facility by attaching conditions and limitations to the certificate for the facility. The actions of the authority do not constitute regulation under IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14 or any law regulating the construction or operation of low level radioactive waste facilities. The conditions:

(1) must be reasonably related to mitigating or preventing the risks or adverse impacts identified in this SECTION and SECTIONS 101 through 106 of this act posed by the facility applying for a certificate on the immediately surrounding community; and

(2) may not create a conflict with other conditions contained in other state or federal environmental laws or permits issued or required for the facility.

If the conditions conflict with subsequent conditions contained in other environmental permits or state or federal laws, the conditions imposed by the authority are of no force and effect to the extent necessary to avoid the conflict.

(b) The authority shall, to the fullest extent practicable, integrate by stipulation the provisions of local ordinances, permits, or requirements in making a determination granting a certificate.

(c) The authority may seek the advice of any person to make a decision to ratify or deny a certificate.

(d) The proceedings of the authority shall be conducted in accordance with IC 4-21.5.

(e) The authority shall grant or deny a certificate.

(f) If the authority denies a certificate, the authority shall state in writing to the applicant the findings that lead to the decision. The

authority may state in writing the conditions or changes necessary to make the application acceptable if the authority anticipates that the applicant will reapply for a certificate for the same proposed facility.

(g) The authority shall:

- (1) issue a news release stating the authority's action on an application for a certificate; and
- (2) distribute the release to news media in the affected area.

(h) A person who:

- (1) has a direct financial interest in; or
- (2) would otherwise derive any direct personal benefit from;

the grant or denial of an application under this SECTION and SECTIONS 101 through 106 of this act may not vote on the application.

(i) This SECTION expires July 2, 1996.

1996-1-108

SECTION 108. (a) Notwithstanding IC 13-11-2-157, as used in IC 13-15-4, "permit" does not include a certificate that may be issued under SECTIONS 101 through 107 of this act.

(b) This SECTION expires July 2, 1996.

1996-1-109

SECTION 109. (a) Notwithstanding IC 13-30-2-1, a person may not commence construction of:

- (1) a hazardous waste disposal facility;
- (2) a commercial hazardous waste facility; or
- (3) a commercial low level radioactive waste facility;

without having first filed an application for and received a certificate of environmental compatibility from the Indiana hazardous waste facility site approval authority.

(b) This SECTION expires July 2, 1996.

1996-1-110

SECTION 110. (a) Notwithstanding IC 13-14-12-1, the officials collecting the fees under SECTION 104(g) of this act shall remit the money to the treasurer of state. The treasurer of state shall credit the money to the environmental management special fund.

(b) Notwithstanding IC 13-14-12-2, expenses of the Indiana hazardous waste facility site approval authority under SECTIONS 101 through 107 of this act shall be paid from the environmental management special fund with the approval of the governor and the budget agency.

(c) This SECTION expires July 4, 1996.

1996-1-111

SECTION 111. (a) Notwithstanding IC 13-14-9-1, IC 13-14-9 applies to the executive council of the Indiana hazardous waste facility site approval authority.

(b) This SECTION expires July 2, 1996.

1996-23-34

SECTION 34. (a) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the department of insurance shall establish procedures for the exchange of information necessary to carry out the requirements of IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 27-1-15.5-2, IC 27-1-15.5-8, IC 27-1-15.5-21, IC 27-1-15.5-22, IC 27-10-3-8, IC 27-10-3-19, IC 27-10-3-20, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(b) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the Indiana horse racing commission established under IC 4-31-3 shall establish procedures for the exchange of information necessary to carry out the requirements of IC 4-31-6-10, IC 4-31-6-11, IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(c) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the Indiana gaming commission established under IC 4-33-3 shall establish procedures for the exchange of information necessary to carry out the requirements of IC 4-33-8.5, IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(d) This SECTION expires July 1, 1997.

1996-4-110

SECTION 110. (a) A state political party central committee subject to IC 3-6-1 may adopt or amend the committee's rules to provide for the political party's internal organization and government, notwithstanding any provision of IC 3-6-1 or IC 3-6-2 before the repeal or amendment of the provision by this act.

(b) This SECTION expires January 1, 1997.

1996-4-111

SECTION 111. (a) This SECTION prescribes the procedure for certain voters to cast ballots under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter formerly resided.

(b) This SECTION applies to a general, municipal, primary, school district, and special election.

(c) This SECTION applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the circuit court clerk or board of registration of the change of address before election day.

(d) A voter described by subsection (c) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in

subsections (f) through (i) of the voter's current residence address. However, a voter who moved outside a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election.

(e) A person entitled to make a written affirmation under subsection (d) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(f) The written affirmation described in subsection (d) may be executed as follows:

- (1) At the office of the circuit court clerk or the board of registration for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.
- (2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.
- (3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(g) If the person executes the affidavit at the office of the circuit court clerk or board of registration before the day of the election, the clerk or board shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(h) If the person executes the affirmation when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(i) If the person executes the affirmation before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall return the original affirmation to the circuit court clerk or board of registration after the closing of the polls.

(j) This SECTION expires December 1, 1996.

1996-4-112

SECTION 112. (a) The amendment to Article 1, Section 13 of the Constitution of the State of Indiana agreed to by the One Hundred Eighth General Assembly and the One Hundred Ninth General Assembly of the State of Indiana shall be submitted to the electors of the state at the 1996 general election, in the manner provided for the submission of constitutional amendments under IC 3.

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors, the general assembly establishes the terms of the statement to be used on the general election ballot for the ratification of this proposed amendment:

PUBLIC QUESTION #1

Shall Section 13 of Article 1 of the Constitution of the State of Indiana be amended to provide that victims of crime have the right to be treated with fairness, dignity, and respect throughout the criminal justice process, to be informed of and present during public hearings, and confer with the prosecution, to the extent that exercising these rights does not infringe upon the constitutional rights of the accused?

(c) The amendment to Article 11, Section 12 of the Constitution of the State of Indiana agreed to by the One Hundred Eighth General Assembly and the One Hundred Ninth General Assembly of the State of Indiana shall be submitted to the electors of the state at the 1996 general election, in the manner provided for the submission of constitutional amendments under IC 3.

(d) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors, the general assembly establishes the terms of the statement to be used on the general election ballot for the ratification of this proposed amendment:

PUBLIC QUESTION #2

Shall Section 12 of Article 11 of the Constitution of the State of Indiana be amended to allow state retirement funds to invest in stocks and other securities?

(e) The Indiana election commission and each county election board shall have the statements set forth in subsections (b) and (d) printed on the ballots only in the manner specified by this SECTION.

(f) This SECTION expires December 31, 1996.

1996-4-113

SECTION 113. (a) As used in this SECTION, "commission" refers to the Indiana election commission established by IC 3-6-4.1-1.

(b) The commission may enter into a contract to implement the duplicate registration elimination program described in IC 3-7-38.1, as added by this act.

(c) For purposes of IC 4-13.4, the commission may enter into a contract under this SECTION under IC 4-13.4-5-7(a)(7).

(d) The commission may implement a contract and IC 3-7-38.1, as added by this act, under interim written guidelines approved by the commission.

(e) This SECTION expires January 1, 1998.

1996-4-114

SECTION 114. (a) As used in this SECTION, "computer system" refers to the computer system described in IC 3-9-4-4, as amended by this act.

(b) Notwithstanding IC 3-9-4-4, as amended by this act, the Indiana election commission is not required to have the computer system operational before April 1, 1997.

(c) Notwithstanding IC 3-9-4-4, as amended by this act, after March 31, 1997, and before January 1, 1998, the computer system is required to do only the following:

(1) Identify all candidates or committees that received

contributions from a contributor during 1996.

(2) Identify all contributors to a candidate or committee during 1996.

(d) Notwithstanding IC 3-9-4-4, as amended by this act, after December 31, 1997, and before January 1, 1999, the computer system is required to do only the following:

(1) Identify all candidates or committees that received contributions from a contributor during 1996 and 1997.

(2) Identify all contributors to a candidate or committee during 1996 and 1997.

(e) This SECTION expires January 1, 1999.

1996-4-115

SECTION 115. (a) This SECTION applies only in a county having a consolidated city.

(b) As used in this SECTION, "local office" has the meaning set forth in IC 3-5-2-29.

(c) Notwithstanding IC 3-8-2-20, an individual who files a declaration of candidacy for a local office or for a state convention delegate may, at any time not later than noon forty-two (42) days before the date set for a primary election file a statement with the circuit court clerk that the individual is not a candidate for state convention delegate or local office and does not wish the individual's name to appear on the primary election ballot as a candidate for state convention delegate or local office.

(d) This SECTION expires September 1, 1996.

1996-4-116

SECTION 116. (a) This SECTION applies only to a contribution made after March 28, 1996 and before July 1, 1996.

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c) "Contribution statute" refers to any of the following:

(1) IC 4-30-3-19.5, as added by this act.

(2) IC 4-30-3-19.7, as added by this act.

(3) IC 4-31-13-3.5, as added by this act.

(4) IC 4-33-10-2.1, as added by this act.

(d) It is an absolute defense to a prosecution of a violation of a contribution statute for the defendant to show that the defendant requested the return of the contribution made in violation of a contribution statute within a reasonable period of time that the defendant knew that the contribution was made in violation of the contribution statute.

(e) A person that received a contribution that was made in violation of a contribution statute shall return the contribution at the request of a defendant under subsection (d). A person who fails to return a contribution under this subsection is subject to a civil penalty under IC 3-9-4-16, as amended by this act.

(f) If the commission determines that a person is subject to a civil penalty under subsection (e), the commission shall assess a civil penalty of three (3) times the amount of the contribution that the person failed to return under subsection (d), plus any investigative costs

incurred and documented by the commission.

(g) This SECTION expires July 1, 2001.

1996-4-117

SECTION 117. (a) The committee on campaign finance is established.

(b) The committee consists of the following members:

(1) Four (4) members of the house of representatives appointed by the speaker of the house of representatives with the recommendation of the minority leader of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the senate appointed by the president pro tempore of the senate with the recommendation of the minority leader of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(3) Two (2) citizen members appointed by the speaker of the house of representatives with the recommendation of the minority leader of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(4) Two (2) citizen members appointed by the president pro tempore of the senate with the recommendation of the minority leader of the senate. The members appointed under this subdivision may not be members of the same political party.

(5) The state chairman, or the state chairman's designee, of each of the major political parties of the state (as defined in IC 3-5-2-30).

(6) One (1) individual appointed by the speaker of the house of representatives representing the news media.

(7) One (1) individual appointed by the president pro tempore of the senate representing the news media.

(c) The speaker of the house of representatives shall appoint a co-chair for the commission from among the members appointed under subsection (b)(1). The president pro tempore of the senate shall appoint a co-chair of the commission from among the members appointed under subsection (b)(2).

(d) The members of the commission appointed under subsections (b)(6) through (b)(7) are nonvoting members.

(e) Eight (8) voting members of the commission constitute a quorum. The affirmative vote of at least eight (8) voting members of the commission is necessary for the commission to take official action, other than to meet to take testimony and to set the time for the commission's meetings.

(f) Each member of the commission (regardless of the voting status of the member) is entitled to receive the same per diem, mileage, and travel allowances paid to legislative and lay members, respectively, serving on interim study committees established by the legislative council. These expenses shall be paid from funds appropriated to the legislative council.

(g) The commission shall hold its first meeting not later than April 15, 1996.

(h) The commission shall study and make recommendations to the general assembly regarding campaign finance.

(i) The commission shall issue a report to the legislative council after November 15, 1996, and before January 1, 1997.

(j) Money for the expenses of the commission are appropriated to the legislative council from the state general fund. The commission may enter into contracts to provide any goods or services, including the services of expert witnesses, that the commission considers necessary to fully study campaign finance issues.

(k) The commission shall operate under policies and procedures established by the legislative council.

(l) The legislative services agency shall provide staff for the commission.

(m) This SECTION expires April 15, 1997.

1996-5-20

SECTION 20. (a) If the authority adopts rules under IC 4-4-11-15.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-21

SECTION 21. (a) If the commission adopts rules under IC 4-13.5-1-3.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-22

SECTION 22. (a) If the authority adopts rules under IC 5-1-16-13.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-23

SECTION 23. (a) If the bank adopts rules under IC 5-1.5-2-10, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-24

SECTION 24. (a) If the board for depositories adopts rules under IC 5-13-12-3.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-25

SECTION 25. (a) If the authority adopts rules under IC 5-20-1-14.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-26

SECTION 26. (a) If the commission adopts rules under IC 5-21-2-2.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-27

SECTION 27. (a) If the authority adopts rules under IC 8-9.5-8-4.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-28

SECTION 28. (a) If the commission adopts rules under IC 8-10-1-7.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-29

SECTION 29. (a) If the commission adopts rules under IC 9-15-2-2.2, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-30

SECTION 30. (a) If the foundation adopts rules under IC 14-12-1-10.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-31

SECTION 31. (a) If the commission adopts rules under IC 14-13-1-14.5, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-32

SECTION 32. (a) If the commission adopts rules under IC 14-14-1-15.5, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-33

SECTION 33. (a) If the commission adopts rules under IC 20-12-21-5.2, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-34

SECTION 34. (a) If the authority adopts rules under IC 20-12-63-11.5, as added by this act, the rules must be effective not

later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-35

SECTION 35. (a) If the trust adopts rules under IC 21-8-3-5.5, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-36

SECTION 36. (a) If the corporation adopts rules under IC 26-4-3-10, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-5-37

SECTION 37. (a) If the commission adopts rules under IC 27-1-29-27.1, as added by this act, the rules must be effective not later than July 1, 1997.

(b) This SECTION expires July 2, 1997.

1996-8-12

SECTION 12. The commission on state tax and financing policy established under IC 2-5-3 shall, during the interim after the 1996 session of the general assembly:

- (1) review all Indiana statutes relating to enterprise zones created under IC 4-4-6.1;
- (2) evaluate the benefit of the enterprise zones to the economy of Indiana;
- (3) collect information regarding the number and location of enterprise zones that have been created and tax credits granted in connection with each enterprise zone;
- (4) consider the existing practices and functions of the state enterprise zone board and the local urban enterprise associations, including the fees charged or contributions required from enterprise zone businesses; and
- (5) study any other matters the commission determines relevant to a comprehensive evaluation of the enterprise zone programs.

1996-8-13

SECTION 13. IC 6-3.1-4-1, as amended by this act, applies only to taxable years beginning after December 31, 1995.

1996-8-14

SECTION 14. IC 6-3-4-8, as amended by this act, applies to taxable years beginning after December 31, 1995.

1996-9-27

SECTION 27. (a) The financial assurance board established by IC 13-23-11-1 shall review alternative means of administering the excess liability trust fund. The review shall include an analysis of fee billing, collection, claims processing, payment procedures, and other

matters of importance to administration of the fund. The chair of the board shall submit a report to the legislative council not later than November 15, 1996.

(b) This SECTION expires July 1, 1997.

1996-10-18

SECTION 18. (a) The definitions in IC 4-4-11.5, as amended by this act, apply throughout this SECTION.

(b) IC 4-4-11.5, as amended by this act, applies only to applications for grants of the volume cap for years beginning after December 31, 1996. Applications for the grant of volume cap for years ending before January 1, 1997, including grants related to a carryforward election, shall be made under IC 4-4-11.5, as effective January 1, 1996.

(c) Notwithstanding IC 4-4-11.5-39, as amended by this act, IDFA may, before January 1, 1997, adopt the guidelines and prescribe the forms needed to carry out IC 4-4-11.5 after December 31, 1996.

(d) After the effective date of this SECTION and before January 1, 1997, when the definition of "volume cap" in IC 4-4-11.5-14, as amended by this act, becomes effective, the term "volume cap", as used in any provision of IC 4-4-11.5, has the same meaning as "state ceiling".

(e) This SECTION expires January 1, 1998.

1996-13-3

SECTION 3. (a) The definitions in IC 4-13.5-1 and IC 12-8-11 apply throughout this SECTION.

(b) In compliance with IC 4-13.5-1-3(b), the general assembly finds that the state needs construction of facilities for the purpose of providing program services at the Central State property. Subject to subsection (c), the state office building commission is authorized to provide the facilities under IC 4-13.5.

(c) Subject to approval of the central state advisory committee established under P.L.40-1994, SECTION 87, review by the budget committee, and approval of the budget agency the state office building commission may borrow money or issue and sell bonds under IC 4-13.5-4 for the purpose of construction of a facility at the site where Central State Hospital was formerly located as part of an integrated system consisting of multiple program facilities with the possibility of varying sizes, capacities, and designs to serve the needs of children who have psychiatric, emotional, developmental, or behavioral problems, if the sum of the principal costs of the loans and bonds does not exceed twenty million dollars (\$20,000,000).

1996-13-4

SECTION 4. (a) The definitions in P.L.340-1995 apply throughout this SECTION.

(b) The general assembly authorizes the appropriation made in P.L.340-1995, SECTION 31 of ten million nine hundred fifty thousand dollars (\$10,950,000) to the department of correction for the purpose of A & E Fees and Land Acquisition for an Additional Male Facility, beginning July 1, 1995, and ending June 30, 1997, to be allotted and

used in the biennium for architect and engineering fees and land acquisition for only the following facilities:

- (1) A juvenile facility at Pendleton, Indiana.
- (2) An adult male facility at the Grissom Aeroplex.

(c) Notwithstanding P.L.340-1995, if the budget director and the state budget committee approve the use of money for the purposes described in this subsection before September 1, 1996, not more than five million five hundred thousand dollars (\$5,500,000) of the savings resulting from the review of general fund expenditures required by P.L.340-1995, SECTION 3, may be used for state residential programs for delinquent offenders, for the period beginning after the approvals required by this subsection and ending before July 1, 1997. The budget director may approve the use of money under this SECTION only if the budget director determines that an emergency exists that requires the additional allocation of money for state residential programs for delinquent offenders.

1996-15-3

SECTION 3. (a) As used in this SECTION, "commission" refers to the electronic benefits transfer commission established by IC 12-13-14, as added by this act.

(b) The initial appointments to the commission shall be made before August 1, 1996. Notwithstanding IC 12-13-14, as added by this act, the terms of the members on the commission shall be staggered in the following manner:

- (1) One (1) member of the Indiana Grocers and Convenience Store Association, one (1) member of the Indiana Bankers Association, and one (1) person representing recipients of food stamp or AFDC benefits shall each serve a two (2) year term.
- (2) One (1) member of the Indiana Grocers and Convenience Store Association, one (1) member of the Indiana Bankers Association, and one (1) person representing recipients of food stamp or AFDC benefits shall each serve a three (3) year term.

(c) The successors of the members described in subsection (b) shall serve three (3) year terms under IC 12-13-14, as added by this act.

(d) The secretary of the office of family and social services shall convene the organizational meeting of the commission before September 1, 1996.

(e) This SECTION expires January 1, 2001.

1996-18-35

SECTION 35. (a) An investment made by the treasurer of state under IC 5-13-10.5-3(b), as added by this act, before July 1, 1997, remains legal after June 30, 1997.

(b) This SECTION expires July 1, 2002.

1996-18-36

SECTION 36. An investment in public funds (as defined in IC 5-13-4-20):

- (1) made or entered into before the effective date of this act; and
- (2) that:

- (A) would have been in compliance with IC 5-13-9, as amended by this act, if IC 5-13-9, as amended by this act, had been in effect at the time the investment was made or agreement entered into;
- (B) is no longer in effect on the effective date of this act; or
- (C) is brought into compliance with IC 5-13-9, as amended by this act, not more than ninety (90) days after the effective date of this act;

is legalized and validated.

1996-18-37

SECTION 37. (a) The definitions in IC 5-13-4, as amended by this act, apply throughout this SECTION.

(b) A financial institution that is a depository for the state on the effective date of this SECTION, and any successor financial institution, continues to be a depository for the state after the effective date of this SECTION without reapplying under IC 5-13-10.5, as added by this chapter, until the earliest of the following occurs:

- (1) The board of depositories revokes the status of the financial institution as a depository.
- (2) The financial institution notifies the state board of finance that the financial institution is resigning as a depository for the state.
- (3) Another law terminates the depository status of the financial institution.

A financial institution that qualifies under this subsection as a depository for the state after the effective date of this SECTION shall be treated after the effective date of this SECTION as if the financial institution was designated as a depository under IC 5-13-10.5, as added by this act.

(c) A financial institution that is a depository for a political subdivision on the effective date of this SECTION, and any successor financial institution, continues to be a depository for the political subdivision after the effective date of this SECTION without reapplying under IC 5-13-10.5, as added by this act or IC 5-13-8-1, as amended by this act, until the earliest of the following occurs:

- (1) The state board of finance revokes the status of the financial institution as a depository.
- (2) The financial institution notifies the state board of finance or the local board of finance for the political subdivision that the financial institution is resigning as a depository for the political subdivision.
- (3) Another law terminates the depository status of the financial institution.

A financial institution that qualifies under this subsection as a depository for a political subdivision after the effective date of this SECTION shall be treated after the effective date of this SECTION as if the financial institution was designated as a depository under IC 5-13-8, as amended by this act.

(d) Subject to IC 5-13-8-9, as amended by this act, a financial institution that is a depository for the state on the effective date of this SECTION, and any successor financial institution, is eligible after the

effective date of this SECTION to become a depository for any political subdivision for which the financial institution is not already a depository without reapplying under IC 5-13-10.5, as added by this act, or IC 5-13-8-1, as amended by this act. A financial institution that qualifies under this subsection as a depository for a political subdivision after the effective date of this SECTION shall be treated after the effective date of this SECTION as if the financial institution was designated as a depository under IC 5-13-8, as amended by this act.

(e) The treasurer of state shall add any financial institution that qualifies as a depository for political subdivisions under subsection (c) or (d) to the list of depositories eligible to receive the public funds of political subdivisions under IC 5-13-8-1, as amended by this act.

1996-20-2

SECTION 2. (a) Notwithstanding IC 4-23-25-3, as added by this act, the initial term of office for each of the six (6) members appointed to the Indiana commission for women under IC 4-23-25-3(b)(1), as added by this act, is one (1) year.

(b) The initial terms begin July 1, 1996.

(c) This SECTION expires July 1, 1997.

1996-20-3

SECTION 3. (a) Notwithstanding IC 4-23-25-3, as added by this act, the initial term of office for each of the two (2) members appointed to the Indiana commission for women under IC 4-23-25-3(b)(2), as added by this act, is two (2) years.

(b) The initial terms begin July 1, 1996.

(c) This SECTION expires July 1, 1998.

1996-20-4

SECTION 4. (a) Notwithstanding IC 4-23-25-3, as added by this act, the initial term of office for a member of the Indiana commission for women appointed under IC 4-23-25-3(b)(3), as added by this act, is two (2) years.

(b) The initial term begins July 1, 1996.

(c) This SECTION expires July 1, 1998.

1996-23-34

SECTION 34. (a) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the department of insurance shall establish procedures for the exchange of information necessary to carry out the requirements of IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 27-1-15.5-2, IC 27-1-15.5-8, IC 27-1-15.5-21, IC 27-1-15.5-22, IC 27-10-3-8, IC 27-10-3-19, IC 27-10-3-20, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(b) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the Indiana horse racing commission established under IC 4-31-3 shall establish procedures for the exchange of

information necessary to carry out the requirements of IC 4-31-6-10, IC 4-31-6-11, IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(c) Not later than January 1, 1997, the child support bureau of the division of family and children (Title IV-D agency) established under IC 12-17-2-5 and the Indiana gaming commission established under IC 4-33-3 shall establish procedures for the exchange of information necessary to carry out the requirements of IC 4-33-8.5, IC 12-17-2-34, IC 12-17-2-35, IC 12-17-2-36, IC 31-1-11.5-13, and IC 31-6-6.1-16, all as added or amended by this act.

(d) This SECTION expires July 1, 1997.

1996-26-16

SECTION 16. Notwithstanding P.L.340-1995, the effective date for:

- (1) P.L.340-1995, SECTION 121, is July 1, 1995, not July 1, 1997;
- (2) P.L.340-1995, SECTION 122, is July 1, 1995, not July 1, 1997;
- (3) P.L.340-1995, SECTION 123, is July 1, 1995, not July 1, 1997; and
- (4) P.L.340-1995, SECTION 124, is July 1, 1995, not July 1, 1997.

1996-26-17

SECTION 17. (a) IC 6-6-5-5, as amended by this act, applies only to the annual license excise tax on vehicles that is first due and payable after December 31, 1995. However, if a person pays the annual license excise tax on a vehicle in the year preceding the registration year in which the tax is due, the schedule in IC 6-6-5-5, as amended by this act, that is applicable to the registration year for which the vehicle is being registered shall apply to the early registration.

(b) The bureau of motor vehicles shall implement the motor vehicle excise tax schedules established by IC 6-6-5-5, as amended by this act, before July 1, 1996. If in any month in 1996 before July 1, 1996, the bureau of motor vehicles receives a motor vehicle excise tax payment under IC 6-6-5-5, as in effect before the passage of this act, that exceeds the amount of motor vehicle excise tax due under IC 6-6-5-5, as amended by this act, the bureau of motor vehicles shall not later than September 1, 1996:

- (1) refund to the owner paying the motor vehicle excise tax; or
- (2) offset against any other motor vehicle excise tax due under IC 6-6-5-5, as amended by this act, by the owner paying the motor vehicle excise tax;

the amount of the overpayment.

(c) The amount of a refund under subsection (b) shall be paid from the state general fund motor vehicle excise tax replacement account from money that would otherwise be distributed to the county in which the owner receiving the refund or offset resides.

(d) This SECTION expires January 1, 1999.

1996-26-18

SECTION 18. (a) There is appropriated to the pension stabilization fund two hundred million dollars (\$200,000,000) from the state general fund for the state fiscal year beginning July 1, 1996, and ending June 30, 1997. This appropriation is in addition to appropriations made under P.L.340-1995.

(b) This SECTION expires July 1, 1997.

1996-26-19

SECTION 19. (a) There is appropriated to the "m portion" of the pension relief fund fifty million dollars (\$50,000,000) from the state general fund for the state fiscal year beginning July 1, 1996, and ending June 30, 1997. This appropriation is in addition to appropriations made under P.L.340-1995.

(b) This SECTION expires July 1, 1997.

1996-26-20

SECTION 20. (a) IC 6-1.1-20.9-2, as amended by this act, applies to property taxes first due and payable after December 31, 1995.

(b) The state board of tax commissioners shall direct the county treasurers on how to effectuate the change in the homestead credit for the May 1996 and November 1996 installments of property taxes.

(c) This SECTION expires January 1, 1997.

1996-26-17

SECTION 17. (a) IC 6-6-5-5, as amended by this act, applies only to the annual license excise tax on vehicles that is first due and payable after December 31, 1995. However, if a person pays the annual license excise tax on a vehicle in the year preceding the registration year in which the tax is due, the schedule in IC 6-6-5-5, as amended by this act, that is applicable to the registration year for which the vehicle is being registered shall apply to the early registration.

(b) The bureau of motor vehicles shall implement the motor vehicle excise tax schedules established by IC 6-6-5-5, as amended by this act, before July 1, 1996. If in any month in 1996 before July 1, 1996, the bureau of motor vehicles receives a motor vehicle excise tax payment under IC 6-6-5-5, as in effect before the passage of this act, that exceeds the amount of motor vehicle excise tax due under IC 6-6-5-5, as amended by this act, the bureau of motor vehicles shall not later than September 1, 1996:

- (1) refund to the owner paying the motor vehicle excise tax; or
- (2) offset against any other motor vehicle excise tax due under IC 6-6-5-5, as amended by this act, by the owner paying the motor vehicle excise tax;

the amount of the overpayment.

(c) Notwithstanding IC 6-6-5-9.5, as amended by HEA 1297-1996, SECTION 9, the amount of a refund under subsection (b) shall be paid from the state general fund motor vehicle excise tax replacement account from money that would otherwise be distributed to the county in which the owner receiving the refund or offset resides.

(d) This SECTION expires January 1, 1999.

1996-28-3

SECTION 3. (a) The annual license fee for the holder of an excursion permit is twenty thousand dollars (\$20,000).

(b) The annual license fee for the holder of an adjacent landsite permit is two thousand dollars (\$2,000).

(c) This SECTION expires July 1, 1997.

1996-28-4

SECTION 4. (a) For purposes of IC 7.1-3-17.5-5, as added by this act, and SECTIONS 6 through 18 of this act, the following definitions apply:

(1) "Adjacent landsite permit" means a permit issued under IC 7.1-3 that permits a riverboat licensee to purchase alcoholic beverages from authorized permittees and to sell alcoholic beverages to authorized purchasers at a riverboat support facility.

(2) "Excursion permit" means a permit issued under IC 7.1-3 that permits a riverboat licensee to purchase alcoholic beverages from authorized permittees and to sell alcoholic beverages to authorized purchasers on a riverboat licensed by the Indiana gaming commission under IC 4-33.

(3) "Riverboat" has the meaning set forth in IC 4-33-2-17.

(4) "Riverboat licensee" means a person who owns a riverboat owner's license under IC 4-33.

(5) "Support facility" means a place of business that is:

(A) part of, or operates in connection with, a riverboat gambling operation;

(B) leased or owned in whole or in part by a riverboat licensee or supplier licensee or any of the licensee's key persons; and

(C) located adjacent to or in close proximity to the riverboat.

The term includes riverboats, offices, docking facilities, parking facilities, land-based hotels or restaurants, and passenger pavilions.

(b) An excursion permit and an adjacent landsite permit are governed by IC 7.1 and rules adopted under IC 7.1-3-17.5-5, as added by this act, that are applicable to a retailer's permit, except to the extent that IC 7.1 or a rule adopted under IC 7.1-3-17.5-5, as added by this act, specifically conflicts with IC 7.1-3-17.5, IC 7.1-3-17.5-5, as added by this act, or SECTIONS 3 through 15 of this act.

(c) This SECTION expires July 1, 1997.

1996-28-5

SECTION 5. (a) Alcoholic beverages may be served on a riverboat or in a support facility only by a riverboat licensee employee who holds an employee permit issued by the commission.

(b) The floor plans of the riverboat and adjacent landsite permit premises must be submitted to and approved by the commission before an adjacent landsite permit is issued by the commission. The approval process must include an initial inspection and final inspection of the floor plans and permit premises by the commission's enforcement officers. The floor plan must reflect all semipermanent and permanent areas where alcoholic beverages will be stored or dispensed. Alcoholic

beverages may be served only from those areas on the floor plan designated by the commission as approved for alcoholic beverage service.

(c) This SECTION expires July 1, 1997.

1996-28-6

SECTION 6. (a) The commission may not issue an excursion permit to an individual who is disqualified under the special disqualifications of IC 7.1-3-4-2.

(b) The commission may not issue an adjacent landsite permit to an individual who is disqualified under the special disqualifications of IC 7.1-3-4-2.

(c) This SECTION expires July 1, 1997.

1996-28-7

SECTION 7. (a) The commission may not issue an excursion permit to a person who does not hold a riverboat owner's license issued by the Indiana gaming commission under IC 4-33-6.

(b) The commission may not issue an adjacent landsite permit to a person who does not hold a riverboat owner's license issued by the Indiana gaming commission under IC 4-33-6.

(c) A person that holds an adjacent landsite permit must hold an excursion permit.

(d) This SECTION expires July 1, 1997.

1996-28-8

SECTION 8. (a) The holder of an excursion permit or an adjacent landsite permit may sell, assign, or transfer that permit to another riverboat licensee or to another location subject to the following:

- (1) IC 4-33 and rules adopted under IC 4-33, with written approval of the commission; and
- (2) IC 7.1-3-24, with the prior written approval of the commission.

(b) This SECTION expires July 1, 1997.

1996-28-9

SECTION 9. (a) The holder of an excursion permit is entitled to purchase alcoholic beverages only from the following:

- (1) A permittee entitled to sell to a retailer under IC 7.1-3-4-6, IC 7.1-3-9-9, IC 7.1-3-14-4, and IC 4-33-7-4, as amended by this act.
- (2) A permittee that holds a supplier's license issued by the Indiana gaming commission under IC 4-33-7.

(b) The holder of an excursion permit may sell only to a person authorized to purchase alcoholic beverages at retail. The holder of an excursion permit is entitled to possess and sell alcoholic beverages only for consumption on the riverboat, the support facilities, or both, if the alcoholic beverages are not carried off the premises of the riverboat gambling operation by a patron at any time. However, no alcoholic beverages may be removed or carried by a patron from the riverboat to the support facility after 3:30 a.m. The holder of an excursion permit

is not entitled to sell alcoholic beverages at a place other than the licensed premises.

(c) The holder of an adjacent landsite permit is entitled to purchase alcoholic beverages only from a permittee entitled to sell to a retailer under IC 7.1-3-4-6, IC 7.1-3-9-9, IC 7.1-3-14-4, and IC 4-33-7-4, as amended by this act. The holder of an adjacent landsite permit may sell only to a person authorized to purchase alcoholic beverages at retail. The holder of an adjacent landsite permit is entitled to possess and sell alcoholic beverages only for consumption on the premises or on the riverboat, or both, if the alcoholic beverages are not carried off the premises of the riverboat gambling operation by a patron at any time. The holder of an adjacent landsite permit is not entitled to sell alcoholic beverages at a place other than the licensed premises.

(d) This SECTION expires July 1, 1997.

1996-28-10

SECTION 10. (a) An excursion permit is valid for one (1) calendar year only, including the date on which it is granted. At the end of the one (1) year period, the permit expires and is void.

(b) The commission may not consider an application for renewal or extension of an excursion permit if the riverboat owner's license issued by the Indiana gaming commission under IC 4-33 is not valid.

(c) An adjacent landsite permit is valid for one (1) year only, including the date on which it is granted. At the end of the one (1) year period, the permit expires and is void.

(d) The commission may not consider an application for renewal or extension of an adjacent landsite permit if the riverboat owner does not have a valid riverboat owner's license issued by the Indiana gaming commission under IC 4-33.

(e) The commission may extend the validity of an excursion permit or an adjacent landsite permit if the permit holder files an application for renewal of the permit and the permit has not been renewed when the excursion permit or the adjacent landsite permit is set to expire. However, the validity of an adjacent landsite permit may not be extended unless the permit holder has an excursion permit that remains in effect.

(f) This SECTION expires July 1, 1997.

1996-28-11

SECTION 11. (a) The procedure for the issuance or renewal of an excursion permit or an adjacent landsite permit follows the procedures set forth in IC 7.1 and rules adopted under IC 7.1 for:

- (1) the filing and processing of an application for a retailer's permit; and
- (2) the investigation of the propriety of an applicant for a retailer's permit and the licensed premises for an alcoholic beverage permit.

(b) This SECTION expires July 1, 1997.

1996-28-12

SECTION 12. (a) The nature of the business conducted by the

person who holds an excursion permit issued by the commission must be the business of an authorized gambling operation under IC 4-33-2-10 in order for alcoholic beverages to be dispensed within the defined permit premises. In order for the permittee to sell and serve alcoholic beverages at the permit premises during an event not related to an authorized gambling operation, prior written approval must be obtained from the commission. This approval must be obtained at least fifteen (15) days before the event or activity.

(b) When evaluating a request to sell and serve alcoholic beverages for an activity other than an authorized gambling activity, the commission shall consider the following:

(1) The nature of the activity to be conducted on the premises and whether the activity is incompatible with the sale of alcoholic beverages.

(2) The times during which the permittee seeks to make alcoholic beverages available.

(3) Whether the permittee has adequate security for the activity.

(4) Whether the permittee has been granted any required approval by:

(A) the law enforcement department that has jurisdiction over the venue of the permit premises;

(B) the board of county commissioners;

(C) the county council; or

(D) the town executive;

for the activity.

(5) Whether the Indiana gaming commission has placed any limitations on the use of the permit premises for the activity.

(6) Other related reasons set forth in IC 4-33 or rules adopted under IC 4-33.

(7) Any other factor that may be considered under IC 7.1 or rules adopted under IC 7.1.

(c) The holder of an excursion permit or an adjacent landsite permit may sell and serve alcoholic beverages on any day of the year except Christmas Day and until the voting polls are closed on primary, general, and special election days.

(d) The holder of an excursion permit or an adjacent landsite permit may sell and serve alcoholic beverages from 7 a.m., prevailing local time, to 3 a.m., prevailing local time, the following day, Monday through Saturday. On Sunday, the holder of an excursion permit or an adjacent landsite permit may sell and serve alcoholic beverages from 11 a.m., prevailing local time, to 12:30 a.m., prevailing local time, the following day.

(e) This SECTION expires July 1, 1997.

1996-28-13

SECTION 13. (a) If the Indiana gaming commission established by IC 4-33-3 suspends or revokes a riverboat owner's license issued under its authority under IC 4-33 and rules adopted under IC 4-33, the excursion and adjacent landsite permits are also suspended or revoked at the same time.

(b) This SECTION expires July 1, 1997.

1996-28-14

SECTION 14. (a) An excursion permit or an adjacent landsite permit is subject to IC 7.1 and rules adopted under IC 7.1 that govern the sale of alcoholic beverages. The permittee may be fined or the permittee's license may be suspended or revoked for a violation of IC 7.1 or rules adopted under IC 7.1 unless otherwise provided in IC 7.1. Procedures for fines, suspension, or revocation of an excursion permit or an adjacent landsite permit for violation of the alcoholic beverage statutes or rules shall be the same procedures that are followed for those persons who are issued retailer's permits.

(b) This SECTION expires July 1, 1997.

1996-28-15

SECTION 15. (a) In the permit premises of an adjacent landsite permit, the separation of the bar area from the dining area, where minors may be seated, may be a structure or a barrier that reasonably deters free access and egress without a requirement for doors or gates. An individual less than twenty-one (21) years of age is prohibited from being in the designated bar areas of the permit premises unless otherwise provided in IC 7.1-5-7-12 and IC 7.1-5-7-13. The holder of an excursion permit or an adjacent landsite permit is responsible for ensuring that any individual who is less than twenty-one (21) years of age is not allowed on the riverboat or in the bar areas of the permit premises.

(b) Alcoholic beverages may not be carried onto the riverboat facility or onto the premises of an adjacent landsite facility except as provided in SECTION 12 of this act.

(c) Minimum food service (as defined in 905 IAC 1-20-1), except hot soups, must be available on the premises during any time that alcoholic beverages are available for sale on the riverboat or the adjacent landsite facility.

(d) This SECTION expires July 1, 1997.

1996-28-16

SECTION 16. (a) It is unlawful for the holder of an excursion permit or adjacent landsite permit to own, control, or participate in any type of Indiana retailer, dealer, wholesaler, primary source of supply, or manufacturer of alcoholic beverages permit, or to participate in its business or in its establishment.

(b) This SECTION expires July 1, 1997.

1996-28-17

SECTION 17. (a) As used in this SECTION, "applicant" means a person or business entity that:

(1) holds a valid permit under IC 7.1 to deal in alcoholic beverages; and

(2) applies or has applied to the commission for a supplier's license to supply alcoholic beverages to a riverboat licensee.

(b) As used in this SECTION, "commission" means the Indiana gaming commission established by IC 4-33-3-1.

(c) Before December 31, 1996, the commission shall amend 68 IAC

2-2-1 to delete subsection (c)(8) requiring the supplier of alcoholic beverages to a riverboat licensee to obtain a supplier's license. Additionally, the commission shall amend under IC 4-22-2 any other rules of the commission that are not in conformity with this act.

(d) Notwithstanding IC 4-33-7-1(a)(1)(B), as amended by this act, and 68 IAC 2-2-2(b), the commission is authorized and is directed to repay the following amounts to an applicant:

(1) If the applicant:

(A) submitted a five thousand dollar (\$5,000) application fee; and

(B) is the subject of a completed commission investigation for a supplier's license;

the commission shall repay the applicant two thousand five hundred dollars (\$2,500) of the application fee and the amount of the five thousand dollar (\$5,000) license fee that was paid to the commission by the applicant.

(2) If the applicant:

(A) submitted a five thousand dollar (\$5,000) application fee; and

(B) is the subject of an incomplete commission investigation; the commission shall repay the applicant the five thousand dollar (\$5,000) application fee and the amount of the five thousand dollar (\$5,000) license fee that was paid to the commission by the applicant.

(e) Pending the amendment of any rules as required by this SECTION, the commission may not accept an application, an application fee, or a license fee for a supplier's license if the person or business entity is applying for the license to supply alcoholic beverages to a riverboat under 68 IAC 2-2-1(c)(8).

(f) This SECTION expires January 1, 1997.

1996-28-18

SECTION 18. (a) Before December 31, 1996, the commission shall amend under IC 4-22-2 any rules of the commission that do not conform with this act.

(b) This SECTION expires January 1, 1997.

1996-30-6

SECTION 6. (a) This SECTION applies only to a school corporation that:

(1) adopts a resolution under this SECTION in 1996;

(2) has an at-risk index, as computed under IC 21-3-1.8-1.1, of at least two-tenths (0.2); and

(3) has a current ADM (as defined in IC 21-3-1.6-1.1) of at least eighteen thousand (18,000).

(b) A school corporation may, in compliance with this SECTION, make a one (1) time transfer of money in the school corporation's capital projects fund to the school general fund. To qualify for the transfer, the governing body of the school corporation must adopt a resolution:

(1) after the state board of tax commissioners certifies the

property tax rates to the county auditor for each county in which the school corporation is located; but

(2) before June 1, 1996.

(c) The resolution must:

(1) amend the plan adopted under IC 21-2-15-5;

(2) specify the amount to be transferred from the capital projects fund to the school general fund;

(3) provide that the transferred money may be used only for remedial summer or special schools;

(4) provide that the money must be transferred from the capital projects fund to the school general fund not later than thirty (30) days after the state board of tax commissioners approves the transfer;

(5) provide that the sum of the property tax rates for the school corporation's capital projects fund and the school corporation's general fund after a transfer occurs under this SECTION does not, as a result of the transfer, exceed the sum of the property tax rates that would have been imposed without the transfer under the plan adopted under IC 21-2-15-5; and

(6) provide that the resolution is subject to approval by the state board of tax commissioners.

(d) The amount transferred under this SECTION may not exceed an amount equal to the property tax levy raised by a tax rate of ten cents (\$0.10) on each one hundred dollars (\$100) of assessed valuation.

(e) IC 21-2-15-10 does not apply to a resolution under this section.

(f) The school corporation shall submit the resolution adopted under this SECTION to the state board of tax commissioners for approval. The school corporation shall submit a copy of the school corporation's amended capital projects fund plan to the state board of tax commissioners with the resolution.

(g) Not later than fifteen (15) business days after receipt of a resolution that is adopted in conformity with this SECTION, the state board of tax commissioners shall:

(1) approve the resolution; and

(2) transfer a copy of the resolution to the department of education.

(h) A school corporation may use money approved for transfer to the school general fund under this SECTION only:

(1) for the purposes described in subsection (c)(3); and

(2) after the money has been appropriated in a budget or supplemental budget under IC 6-1.1-17 or IC 6-1.1-18-5.

The money transferred under this SECTION shall be accounted for in a separate account in the school general fund.

(i) The amount of money transferred under this SECTION may not be considered in:

(1) setting a school corporation's maximum ad valorem general fund property tax levy; or

(2) determining the amount of any excise tax revenue (as defined in IC 21-3-1.7-2) distribution or state distribution, including distributions under IC 21-3.1.7, to the school corporation;

in any year. Any amounts distributed to the school corporation under

IC 6-1.1-21 or another statute as a result of the levy for the capital projects fund of the money transferred under this SECTION shall be distributed to the capital projects fund and not the school general fund.

1996-30-7

SECTION 7. (a) The definitions in P.L.340-1995 apply throughout this SECTION.

(b) The following appropriations are made in addition to those found in P.L.340-1995:

	Year 1995-96
DISTRIBUTION FOR TUITION SUPPORT Other Operating Expense	8,417,890
Three million five hundred thirty-seven thousand five hundred fourteen dollars (\$3,537,514) of the above appropriation is appropriated from the property tax replacement fund, and four million eight hundred eighty thousand three hundred seventy-six dollars (\$4,880,376) of the above appropriation is appropriated from the state general fund. The provisions in P.L.340-1995 concerning tuition support apply to the above appropriation.	
PRIMETIME Other Operating Expense	7,661,606
The above appropriation is appropriated from the state general fund.	

1996-30-8

SECTION 8. EDUCATION

	Year 1995-96	Year 1996-97
EDUCATION		
A. HIGHER EDUCATION FOR INDIANA UNIVERSITY) UNIVERSITY WIDE INITIATIVES Total Operating Expense		2,770,000
BLOOMINGTON CAMPUS Total Operating Expense	152,016,003	159,005,903
Fee Replacement	12,358,772	14,122,735
FOR INDIANA UNIVERSITY) REGIONAL CAMPUSES		

EAST		
Total Operating		
Expense		
Allocation	5,601,340	6,036,579
Fee Replacement		
Allocation	966,690	955,087
KOKOMO		
Total Operating		
Expense		
Allocation	8,326,639	8,917,933
Fee Replacement		
Allocation	1,253,302	1,238,258
NORTHWEST		
Total Operating		
Expense		
Allocation	14,914,082	15,613,211
Fee Replacement		
Allocation	2,488,950	2,459,075
SOUTH BEND		
Total Operating		
Expense		
Allocation	15,973,357	16,978,704
Fee Replacement		
Allocation	2,971,913	2,936,242
SOUTHEAST		
Total Operating		
Expense		
Allocation	11,985,729	12,682,910
Fee Replacement		
Allocation	2,312,624	2,284,867
TOTAL		
APPROPRIATION)		
Regional		
Campuses	66,794,626	70,102,866
FOR INDIANA		
UNIVERSITY) PURDUE		
UNIVERSITY AT		
INDIANAPOLIS		
(IUPUI)		
HEALTH DIVISIONS		
Total Operating		
Expense		
Allocation	71,401,869	75,052,311
Fee Replacement		
Allocation	2,286,169	2,296,809
FOR INDIANA		
UNIVERSITY) REGIONAL		
MEDICAL CENTERS		
EVANSVILLE		
Total Operating		
Expense		

Allocation	1,206,978	1,267,327
FORT WAYNE		
Total Operating		
Expense		
Allocation	1,110,342	1,165,860
NORTHWEST		
Total Operating		
Expense		
Allocation	1,577,394	1,656,264
LAFAYETTE		
Total Operating		
Expense		
Allocation	1,408,047	1,478,449
MUNCIE		
Total Operating		
Expense		
Allocation	1,266,062	1,329,365
SOUTH BEND		
Total Operating		
Expense		
Allocation	1,174,122	1,232,828
TERRE HAUTE		
Total Operating		
Expense		
Allocation	1,399,808	1,469,798
The Indiana University school of medicine shall submit to the Indiana commission for higher education before May 15 of each year an accountability report containing data on the number of medical school graduates who entered primary care physician residencies in Indiana from the school's most recent graduating class.		
GENERAL ACADEMIC		
DIVISIONS		
Total Operating		
Expense		
Allocation	60,436,703	63,088,125
Fee Replacement		
Allocation	9,031,568	9,073,598
TOTAL		
APPROPRIATION)		
IUPUI	152,299,062	156,813,925
Transfers of allocations between campuses to correct for errors in allocation among the campuses of Indiana University can be made by the institution with the approval of the commission for higher education and the budget agency. Indiana University shall maintain current operations at all statewide medical education sites.		
FOR INDIANA		
UNIVERSITY)		
CHEMICAL TEST		
TRAINING		
Total Operating		
Expense	557,693	585,578

INSTITUTE FOR THE		
STUDY OF		
DEVELOPMENTAL		
DISABILITIES		
Total Operating		
Expense	2,155,508	2,263,283
GEOLOGICAL SURVEY		
Total Operating		
Expense	2,631,191	2,762,750
FOR PURDUE		
UNIVERSITY) WEST		
LAFAYETTE CAMPUS		
Total Operating		
Expense	182,555,002	191,942,058
Fee Replacement	19,959,597	21,112,929
FOR PURDUE		
UNIVERSITY)		
REGIONAL		
CAMPUSES		
CALUMET		
Total Operating		
Expense		
Allocation	20,193,472	21,252,146
Fee Replacement		
Allocation	1,062,146	439,967
NORTH CENTRAL		
Total Operating		
Expense		
Allocation	6,764,807	7,437,448
Fee Replacement		
Allocation	1,578,671	1,455,798
TOTAL		
APPROPRIATION)		
Regional		
Campuses	29,599,096	30,585,359
FOR INDIANA		
UNIVERSITY)		
PURDUE		
UNIVERSITY AT		
FORT WAYNE		
(IUPUFW)		
Total Operating		
Expense	23,874,422	25,051,217
Fee Replacement	3,677,362	3,327,479
Transfers of allocations between campuses to correct for errors in		
allocation among the campuses of Purdue University can be made by		
the institution with the approval of the commission for higher		
education and the budget agency.		
FOR PURDUE		
UNIVERSITY)		
COUNTY		

AGRICULTURAL EXTENSION EDUCATORS		
Total Operating		
Expense	3,816,183	4,006,992
ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM		
Total Operating		
Expense	2,585,604	2,740,026
<p>The above appropriations shall be used to fund the animal disease diagnostic laboratory system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease testing service at West Lafayette, and the southern branch of ADDL (SIPAC) in Dubois County. The above appropriations are in addition to any user charges that may be established and collected pursuant to IC 15-2.1-5-6. Notwithstanding IC 15-2.1-5-5, the trustees of Purdue University may approve reasonable charges for testing for pseudorabies.</p>		
OFFICE OF AGRICULTURAL RESEARCH PROGRAMS		
Total Operating		
Expense	2,855,651	2,998,433
AGRICULTURAL RESEARCH AND EXTENSION) CROSSROADS		
Total Operating		
Expense	3,300,933	3,462,480
STATEWIDE TECHNOLOGY		
Total Operating		
Expense	4,529,030	4,604,162
NORTH CENTRAL) VALPO NURSING PARTNERSHIP		
Total Operating		
Expense	88,636	93,068
CROP PRODUCTION DIAGNOSTIC RESEARCH CENTER		
Total Operating		
Expense	57,263	60,126
FOR INDIANA STATE UNIVERSITY		
Total Operating		
Expense	65,013,110	68,024,148
Fee Replacement	5,322,178	4,165,222

INSTITUTE ON RECYCLING		
Total Operating		
Expense	66,582	72,278
FOR UNIVERSITY OF SOUTHERN INDIANA		
Total Operating		
Expense	18,982,887	19,924,478
Fee Replacement	1,758,154	2,314,816
FOR BALL STATE UNIVERSITY		
Total Operating		
Expense	100,257,862	105,084,291
Fee Replacement	8,649,752	8,657,452
ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES		
Total Operating		
Expense	3,551,224	3,728,785
FOR VINCENNES UNIVERSITY		
Total Operating		
Expense	25,741,273	26,962,504
Fee Replacement	2,979,293	2,984,981
FOR INDIANA VOCATIONAL TECHNICAL COLLEGE		
Total Operating		
Expense	66,009,686	69,396,758
Fee Replacement	6,727,614	6,537,363
FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATION SYSTEM (IHETS)		
Total Operating		
Expense	5,445,533	5,739,393

The sums herein appropriated to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, Indiana Vocational Technical College, and the Indiana Higher Education Telecommunications System (IHETS) are in addition to all income of said institutions and IHETS respectively from all permanent fees and endowments, and from all land grants, fees, earnings, and receipts, including gifts, grants, bequests, and devises, and receipts from any miscellaneous sales from whatever source derived.

All such income and all such fees, earnings, and receipts on hand June 30, 1995, and all such income and fees, earnings, and receipts accruing thereafter are hereby appropriated to the boards of trustees or directors of the aforementioned institutions and IHETS and may be

expended for any necessary expenses of the respective institutions and IHETS, including university hospitals, schools of medicine, nurses' training school, school of dentistry, agricultural extension and experimental station. Provided, however, that such income, fees, earnings, and receipts may be used for land and structures only if approved by the governor and the budget agency.

The foregoing appropriations and allocations for fee replacement are for replacement of student fees deducted during the 1995-97 biennium to cover bond or lease-purchase principal, interest, and other obligations of debt costs of facility construction and acquisition for those projects authorized by the general assembly. These fee replacement appropriations and allocations shall be allotted by the budget agency after receipt of verification of payment of such debt cost expense.

The foregoing appropriations to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, Indiana Vocational Technical College, and IHETS include the employers' share of Social Security payments for university and IHETS employees under the public employees' retirement fund, or institutions covered by the Indiana state teachers' retirement fund. The funds appropriated also include funding for the employers' share of payments to the public employees' retirement fund, and to the Indiana state teachers' retirement fund at a rate to be established by the retirement funds for both fiscal years, for each institution and IHETS employees covered by these retirement plans.

The treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Indiana Vocational Technical College shall, at the end of each three (3) month period, prepare and file with the auditor of state, a financial statement that shall show in total all revenues received from any source, together with a consolidated statement of disbursements for the same period, said statement to be in such form and such detail as directed by the budget director.

Said reports of the treasurer also shall contain in such form and in such detail as the governor and the budget agency may specify, complete information concerning receipts from all sources, together with any contracts, agreements, or arrangements with any federal agency, private foundation, corporation, or other entity from which such receipts accrue.

All such treasurers' reports shall be matters of public record, and shall include without limitation, a record of the purposes of any and all gifts and trusts with the sole exception of the names of those donors who request to remain anonymous.

Notwithstanding the provisions of IC 4-10-11, the auditor of state shall draw warrants to the treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, and Indiana Vocational Technical College on the basis of vouchers stating the total amount claimed against each fund and/or account, but not to exceed the legally made appropriations. The operating money may be claimed on the basis of twelve (12) equal

installments to be claimed monthly starting in July and ending in June of each fiscal year after allotment by the budget agency.

Notwithstanding the provisions of IC 4-12-1-14, for universities and colleges supported in whole or in part by state funds, grant applications and lists of applications need only be submitted upon request to the budget agency for review and approval or disapproval and, unless disapproved by the budget agency, federal grant funds may be requested and spent without approval by the budget agency. Each institution shall retain the applications for a reasonable period of time and submit a list of all grant applications, at least monthly, to the commission for higher education for informational purposes.

For all university special appropriations, a detailed itemization of intended expenditures, in such form as the governor and the budget agency may specify, shall be submitted to support the allotment request. All budget requests for university special appropriations shall be furnished in a like manner and as a part of the operating budgets of the state universities.

The trustees of Indiana University, the trustees of Purdue University, the trustees of Indiana State University, the trustees of University of Southern Indiana, the trustees of Ball State University, the trustees of Vincennes University, and the trustees of Indiana Vocational Technical College, and the directors of IHETS are hereby authorized to accept federal grants, subject to IC 4-12-1.

Fee replacement funds are to be distributed as requested by each institution, on payment due dates, subject to available appropriations.

FOR THE MEDICAL
EDUCATION BOARD)
FAMILY PRACTICE
RESIDENCY FUND

Total Operating		
Expense	2,412,191	2,412,191

Of the foregoing appropriations for the medical education board-family practice residency fund, one million dollars (\$1,000,000) each year shall be used for grants for the purpose of improving family practice residency programs serving medically underserved areas.

MEDICAL
EDUCATION)
INTERN
RESIDENCY
PROGRAM

Total Operating		
Expense	1	1

FOR THE COMMISSION
FOR HIGHER
EDUCATION

Total Operating		
Expense	1,284,895	1,351,430

MIDWEST HIGHER
EDUCATION
COMMISSION
(MHEC)

Total Operating Expense For the Biennium	116,000	
INDIANA COLLEGE PLACEMENT ASSESSMENT CENTER		
Total Operating Expense	820,023	861,024
FOR THE DEPARTMENT OF ADMINISTRATION ANIMAL DISEASE AND DIAGNOSTIC LABORATORY LEASE RENTAL		
Total Operating Expense	1,075,295	1,078,770
FOR THE DEPARTMENT OF COMMERCE AVIATION TECHNOLOGY		
Total Operating Expense	1,018,835	1,018,130
FOR THE BUDGET AGENCY CORE 40 PROGRAM		
Total Operating Expense	785,000	824,250
All or part of this appropriation shall be allocated or transferred for core 40 initiatives to the department of education and the commission for higher education by the auditor of state, with the approval of the budget agency, after review by the state budget committee of program recommendations made by the commission for higher education.		
NEW PROGRAM START UP FUND		
Total Operating Expense for the Biennium	3,103,000	
The above appropriation shall be used for the establishment of higher education programs serving Elkhart County. Distributions shall be made upon the recommendation of the Indiana commission for higher education and the approval by the budget agency after review of the state budget committee.		
UNIVERSITY LIBRARY AUTOMATION PROJECT		
Total Operating Expense	150,000	150,000

Allocations and transfers of the preceding appropriations for the
library automation project shall be made to the respective institutions'
operation accounts by the auditor of state, with the approval of the
budget agency, after review by the state budget committee based on

program recommendations made by the commission for higher education.

SOUTHEASTERN
INDIANA
DISTANCE
EDUCATION

Total Operating Expense	589,000	603,560
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The above appropriation for southeastern Indiana distance education may be expended with the approval of the budget agency after review by the commission for higher education and the state budget committee.

SOUTH CENTRAL EDUCATIONAL
ALLIANCE BEDFORD
SERVICE AREA
EXPANSION PROJECT

Total Operating Expense for the Biennium	250,000
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FOR THE STATE
STUDENT
ASSISTANCE
COMMISSION

Total Operating Expense	1,168,554	1,172,714
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DISTRIBUTION)

Freedom of Choice Grants	17,564,204	18,127,867
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Higher Education Award Program	50,995,436	56,342,838
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21ST CENTURY AWARDS	1,903,698	3,489,656
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The above appropriation for 21st century awards may be augmented from the general fund by the budget director with the approval of the governor, after review by the budget committee.

Hoosier Scholar Program	420,000	420,000
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For the higher education awards and freedom of choice grants made for the 1995-97 biennium, the following guidelines shall be used, notwithstanding current administrative rule or practice:

(1) Financial Need: For purposes of these awards, financial need shall be limited to actual undergraduate tuition and fees for the prior academic year as established by the commission.

(2) Maximum Award: The maximum award shall not exceed the lesser of:

- (A) actual prior academic year undergraduate tuition and fees; or
- (B) the sum of the highest prior academic year undergraduate tuition and fees at any public institution of higher education and the lowest appropriation per full-time equivalent (FTE) undergraduate student at any public institution of higher

education.

(3) Minimum Award: No actual award shall be less than two hundred dollars (\$200).

(4) Award Size: A student's maximum award shall be reduced one (1) time:

(A) for dependent students, by the expected contribution from parents based upon information submitted on the financial aid form (FAF); and

(B) for independent students, by the expected contribution derived from the projected student aid index from information submitted on the financial aid form (FAF).

(5) Pro Rata Adjustment: If the dollar amounts of eligible awards exceed appropriations, all awards will be adjusted on a pro rata basis.

For the Hoosier scholar program for the 1995-97 biennium, each award shall not exceed five hundred dollars (\$500) and shall be made available for one (1) year only. Receipt of this award shall not reduce any other award received under any state funded student assistance program.

NURSING

SCHOLARSHIP
PROGRAM

401,773

401,773

MINORITY TEACHER

SCHOLARSHIP
FUND

Total Operating

Expense

2,500

2,500

Distribution

379,473

379,473

COLLEGE WORK

STUDY PROGRAM

Total Operating

Expense

91,294

91,294

Distribution

667,099

667,099

21ST CENTURY

ADMINISTRATION

Total Operating

Expense

889,233

1,069,246

CONTRACT FOR

INSTRUCTIONAL

OPPORTUNITIES

IN SOUTHEASTERN

INDIANA

Total Operating

Expense

511,600

511,600

Working in consultation with the commission for higher education, the commission shall develop and execute contracts with selected Ohio and Kentucky postsecondary educational institutions to provide discounted tuition for students from the following southeastern Indiana counties: Dearborn, Switzerland, Ohio, Ripley, Franklin, and Jefferson. The commission shall enter into contracts which offset out-of-state fees paid by Indiana residents up to a maximum benefit of one thousand

nine hundred dollars (\$1,900) per full-time equivalent student. The commission shall further revise its rules to ensure that Indiana students attending the selected institutions are treated as in-state students for purposes of the higher education award program.

B. ELEMENTARY AND
SECONDARY
EDUCATION

FOR THE DEPARTMENT
OF EDUCATION)

ADMINISTRATION/
SERVICES
SUPERINTENDENT'S
OFFICE

Personal		
Services	481,122	481,122
Other Operating		
Expense	1,077,925	1,101,419

RESEARCH AND
DEVELOPMENT
PROGRAMS

Personal		
Services	86,476	86,476
Other Operating		
Expense	294,036	294,036

PUBLIC TELEVISION
DISTRIBUTION

Total Operating		
Expense	715,000	1,215,000

These appropriations are for grants for public television. The Indiana Public Broadcasting Stations, Inc. shall submit a distribution plan for the eight (8) Indiana public education television stations that shall be approved by the budget agency and reviewed by the state budget committee.

DEPUTY
SUPERINTENDENT'S
OFFICE

Personal		
Services	363,461	363,461
Other Operating		
Expense	272,060	272,060

RILEY HOSPITAL

Total Operating		
Expense	30,000	30,000

ADMINISTRATION/
FINANCIAL
MANAGEMENT
CENTER FOR
ADMINISTRATION
AND FINANCIAL
MANAGEMENT
Personal

Services	1,609,628	1,609,628
Other Operating Expense	602,919	602,919
SCHOOL TRAFFIC SAFETY		
Personal		
Services	180,030	180,030
Other Operating Expense	40,742	40,742

The foregoing appropriations for school traffic safety are from the motor vehicle highway fund. With the approval of the governor and the budget agency, said sums may be augmented from revenues accruing to said fund.

MOTORCYCLE
OPERATOR SAFETY
EDUCATION FUND

Personal		
Services	43,838	43,848
Other Operating Expense	588,000	488,000

Of the above appropriations from the motorcycle operator safety education fund created by IC 20-10.1-7-14, one hundred fifty thousand dollars (\$150,000) shall be used for the purchase of motorcycles for state fiscal year 1995-96. The motorcycles may only be purchased after the budget agency has approved the department of education's plan for liability and insurance coverage of the motorcycles.

SCHOOL
ASSESSMENT
CENTER FOR
SCHOOL
ASSESSMENT

Personal		
Services	236,513	236,513
Other Operating Expense	73,611	73,611

ACCREDITATION
SYSTEM

Personal		
Services	358,913	358,913
Other Operating Expense	588,433	588,433

COMMUNITY
RELATIONS AND
SPECIAL
POPULATIONS
CENTER FOR
COMMUNITY
RELATIONS
AND SPECIAL
POPULATIONS

Personal

Services	206,343	206,343
Other Operating Expense	66,863	66,863

SPECIAL
EDUCATION (S-5)

Other Operating Expense	13,800,000	14,500,000
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The foregoing appropriations for special education are made pursuant to IC 20-1-6-19.

PROJECT SET

Other Operating Expense	91,065	91,065
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GED-ON-TV PROGRAM

Other Operating Expense	270,000	270,000
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This appropriation is for grants to provide GED-ON-TV programming. The Indiana Public Broadcasting Stations, Inc. shall submit a distribution plan for this appropriation that shall be approved by the state budget agency and reviewed by the state budget committee.

SPECIAL EDUCATION

EXCISE

Personal

Services	339,885	339,885
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The foregoing appropriations for special education are from alcoholic beverage excise tax funds, and include the appropriation provided in IC 20-1-6-10. With the approval of the governor and the budget agency, said sums may be augmented from revenues accruing to said fund.

SCHOOL

IMPROVEMENT AND

PERFORMANCE

CENTER FOR

SCHOOL

IMPROVEMENT AND

PERFORMANCE

Personal

Services	1,268,970	1,268,970
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Other Operating

Expense	1,386,820	1,386,820
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VOCATIONAL

EDUCATION

Personal

Services	1,041,172	1,041,172
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Other Operating

Expense	230,630	230,630
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ADVANCED

PLACEMENT

PROGRAM

Other Operating

Expense	548,050	548,050
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GEOGRAPHY

EDUCATION		
TRAINING		
Total Operating		
Expense	49,990	49,990
STUDENT SERVICES		
SUMMER INSTITUTE		
Total Operating		
Expense	36,618	36,618
ACADEMIC		
COMPETITION		
Total Operating		
Expense	56,090	56,090
PROFESSIONAL		
DEVELOPMENT		
PRINCIPAL		
LEADERSHIP		
ACADEMY		
Personal		
Services	226,623	226,623
Other Operating		
Expense	262,157	262,157
JAPANESE/		
CHINESE		
INITIATIVES		
Total Operating		
Expense	236,500	236,500
FOR THE DEPARTMENT		
OF EDUCATION)		
LOCAL SCHOOL		
FUNDING		
SUPERINTENDENT'S		
OFFICE		
EDUCATIONAL		
SERVICE		
CENTERS		
Total Operating		
Expense	2,025,664	2,025,664

No appropriation made for an education service center shall be distributed to the administering school corporation of the center unless each participating school corporation of the center contracts to pay to the center at least two dollars and fifty cents (\$2.50) per student for fiscal year 1995-96 based on the school corporation's ADM count as reported for school aid distribution in the fall of 1994, and at least two dollars and fifty cents (\$2.50) per student for fiscal year 1996-97, based on the school corporation's ADM count as reported for school aid distribution beginning in the fall of 1995. Prior to notification of education service centers of the formula and components of the formula for distributing funds for education service centers, review and approval of the formula and components must be made by the budget agency.

ADMINISTRATION/

FINANCIAL
/MANAGEMENT
TRANSFER
TUITION I
(STATE
EMPLOYEES'
CHILDREN)

Total Operating		
Expense	250,000	250,000

The foregoing appropriations for transfer tuition (state employees' children) are made pursuant to IC 20-8.1-6.1-6.

TRANSFER
TUITION II
(MENTAL HEALTH)

Total Operating		
Expense	1,200,000	1,200,000

The foregoing appropriations for transfer tuition II (mental health) are made pursuant to IC 20-8.1-6.1-5.

DISTRESSED
SCHOOLS
DISTRIBUTION

Total Operating		
Expense	50,000	50,000

TEACHERS'
SOCIAL
SECURITY AND RETIREMENT
DISTRIBUTION

Total Operating		
Expense	2,102,231	2,102,231

The foregoing appropriations shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area vocational schools, and other governmental entities that received state teachers' Social Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for these units under the calculations of IC 21-3-1.7-3.1(a)(5). If the total amount to be distributed is greater than the total appropriation, the department of education shall reduce each entity's distribution proportionately.

DISTRIBUTION
FOR TUITION
SUPPORT

Other Operating		
Expense	2,392,900,000	2,513,600,000

The foregoing appropriations for distribution for tuition support are to be distributed for tuition support, special education programs, vocational education programs, and at-risk programs in accordance with a statute enacted for this purpose during the 1995 session of the general assembly.

The appropriation for each state fiscal year includes the appropriation of ten million dollars (\$10,000,000) provided by IC 6-3-7-3. Of the

appropriation, the following amounts are appropriated from the state general fund: one billion, three hundred seventy-six million, sixty-two thousand, eight hundred fifty dollars (\$1,376,062,850) for fiscal year 1995-96 and one billion, four hundred thirty-six million, four hundred twelve thousand, eight hundred fifty dollars (\$1,436,412,850) for fiscal year 1996-97. The following amounts are appropriated from the property tax replacement fund created by IC 6-1.1-21: one billion, sixteen million, eight hundred thirty-seven thousand, one hundred fifty dollars (\$1,016,837,150) for fiscal year 1995-96 and one billion, seventy-seven million, one hundred eighty-seven thousand, one hundred fifty dollars (\$1,077,187,150) for fiscal year 1996-97. If the above appropriations for distribution for tuition support are more than are required under this SECTION, one-half (1/2) of any excess shall revert to the state general fund, and one-half (1/2) of any excess shall revert to the property tax replacement fund.

The above appropriations for tuition support shall be made each calendar year under a schedule set by the budget agency and approved by the governor, provided that the schedule shall provide for at least twelve (12) payments, that one (1) payment shall be made at least every forty (40) days, and that the aggregate of such payments in each calendar year shall equal the amount required under the statute enacted for this purpose referred to above.

DISTRIBUTION

FOR

TRANSPORTATION

Total Operating

Expense	30,525,000	30,525,000
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The distributions for transportation shall be made to each local school corporation in accordance with IC 21-3-3.1 and any pertinent rules.

ADA FLAT GRANT

DISTRIBUTION

Total Operating

Expense	34,396,480	34,430,880
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Distribution to local school corporations shall be based on average daily attendance. The foregoing appropriations for the ADA flat grant distribution account include for each fiscal year the appropriation of the common school fund interest balance. The remainder of the above appropriations are provided from the state general fund.

DISTRIBUTION

FOR SUMMER

SCHOOL

Other Operating

Expense	14,860,000	14,860,000
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It is the intent of the 1995 general assembly that the above appropriations for summer school shall be the total allowable expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

ADULT EDUCATION

DISTRIBUTION

Total Operating		
Expense	12,000,000	12,500,000

It is the intent of the 1995 general assembly that the above appropriations for adult education shall be the total allowable expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for a state fiscal year, the department of education shall reduce the distributions proportionately.

NATIONAL SCHOOL
LUNCH PROGRAM

Total Operating		
Expense	5,133,194	5,133,194

MARION COUNTY
DESEGREGATION
COURT ORDER

Total Operating		
Expense	15,100,000	15,100,000

The foregoing appropriations for court ordered desegregation costs are made pursuant to the United States District Court for the Southern District of Indiana, No. IP 68-C-225-S. If the sums herein appropriated are insufficient to enable the state to meet its obligations, then there are hereby appropriated from the state general fund such further sums as may be necessary for such purpose.

FORT WAYNE
DESEGREGATION
COURT ORDER

Total Operating		
Expense	2,025,000	2,400,000

The foregoing appropriations for court ordered desegregation costs are made pursuant to the United States District Court for the Northern District of Indiana, Civil No. 86CVO325AS.

TEXTBOOK
REIMBURSEMENT

Personal		
Services	47,258	47,258
Other Operating		
Expense	8,038,142	8,538,142

TRANSPORTATION
FOR SPECIAL AND
VOCATIONAL
EDUCATION

Total Operating		
Expense	8,070,000	8,570,000

The distribution of these appropriations shall be made in accordance with IC 21-3-3.1.

SCHOOL ASSESSMENT
TESTING/
REMEDIATION

Other Operating		
Expense	24,842,992	24,842,992

Prior to notification of local school corporations of the formula and

components of the formula for distributing fund for remediation, review and approval of the formula and components shall be made by the budget agency. With the approval of the governor and the budget agency, the above appropriation for school assessment testing/remediation may be augmented from revenues accruing to the secondary market sale fund established by IC 20-12-21.2-10, as added by this act.

PERFORMANCE

BASED AWARDS

Personal

Services	42,636	42,636
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Other Operating

Expense	3,164,959	3,164,959
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The foregoing appropriations shall be distributed after review by the state budget committee and approval of the budget agency.

COMMUNITY

RELATIONS AND

SPECIAL

POPULATIONS

EDUCATIONAL

OPPORTUNITY

AT RISK

Total Operating

Expense	84,845	84,845
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SPECIAL EDUCATION

PRESCHOOL

Total Operating

Expense	15,210,000	16,210,000
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The above appropriation shall be distributed to guarantee a minimum of two thousand, seven hundred fifty dollars (\$2,750) per child enrolled in special education preschool programs from state and local sources in school corporations that levy a one cent (\$0.01) per one hundred dollars (\$100) assessed valuation tax rate for this purpose. It is the intent of the 1995 general assembly that the above appropriations for special education preschool shall be the total allowable expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

SCHOOL IMPROVEMENT

AND PERFORMANCE

GIFTED AND

TALENTED

EDUCATION

PROGRAM

Personal

Services	183,458	183,458
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Other Operating

Expense	5,919,402	6,156,178
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DISTRIBUTION

FOR ADULT

VOCATIONAL

EDUCATION

Total Operating

Expense	250,000	250,000
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The distribution for adult vocational education programs shall be made in accordance with the state plan for vocational education.

PRIMETIME

Personal

Services	166,120	166,120
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Other Operating

Expense	77,267,593	79,584,166
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COMPUTER

LEARNING AND

TRAINING

Personal

Services	286,747	286,747
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Other Operating

Expense	1,382,410	1,382,410
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INNOVATIVE SCHOOL

IMPROVEMENTS

Personal

Services	82,878	82,878
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Other Operating

Expense	754,805	754,805
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Expenditures for this program shall be made only with the approval of both the governor and the superintendent of public instruction. Notwithstanding the provisions of IC 20-10.1-22-2 and IC 20-10.1-26-2(b), appropriations for research and development and innovative school improvements do revert at the end of the fiscal year.

DRUG FREE

SCHOOLS

Personal

Services	45,178	45,178
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Other Operating

Expense	60,049	60,049
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EDUCATIONAL

TECHNOLOGY

PROGRAM AND

FUND (INCLUDING

4R'S TECHNOLOGY

GRANT PROGRAM)

Total Operating

Expense for the Biennium	8,000,000	
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At least three million dollars (\$3,000,000) of the foregoing appropriation shall be allocated to the buddy system during the biennium. In making grants under this program and from this fund, the department shall give consideration to a variety of educational technologies and to enhancing educational productivity. Expenditures from this fund shall be made only with the approval of the governor and superintendent of public instruction.

C. OTHER LOCAL SCHOOL FUNDING

FOR THE INDIANA STATE
TEACHERS'
RETIREMENT FUND

PENSION FUND

CONTRIBUTIONS	198,000,000	206,000,000
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POSTRETIREMENT
PENSION

INCREASES	42,600,000	45,900,000
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The appropriations for postretirement pension increases are made for those benefits and adjustments provided in IC 21-6.1-6. Notwithstanding the provisions of HEA 1569-1995, the increases authorized by IC 5-10.2-5-23 and IC 5-10.2-5-24 shall be funded from the above appropriation.

PENSION

STABILIZATION
FUND

Other Operating Expense	25,000,000	25,000,000
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D. OTHER EDUCATION
FOR THE
PROFESSIONAL
STANDARDS BOARD
ADMINISTRATION

Personal Services	1,097,509	1,111,432
Other Operating Expense	1,910,111	1,896,188

Each mentor teacher is entitled to a maximum annual stipend of six hundred dollars (\$600) to be paid from the foregoing appropriations.

FOR THE EDUCATION
EMPLOYMENT
RELATIONS
BOARD

Personal Services	644,109	644,109
Other Operating Expense	111,712	111,712

PUBLIC EMPLOYEE
RELATIONS BOARD

Personal Services	35,000	35,000
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FOR THE INDIANA STATE
TEACHERS'
RETIREMENT FUND)
ADMINISTRATION

Personal Services	1,206,929	1,206,929
Other Operating Expense	1,358,327	1,358,327

The amounts above appropriated are to be paid from the investment earnings of the Indiana state teachers' retirement fund. With the

approval of the governor and the budget agency, said sums may be augmented from the investment earnings.

FOR THE AUDITOR

OF STATE

DISTRIBUTION TO

PUBLIC LIBRARIES

Other Operating

Expense	607,936	607,936
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The foregoing appropriations for distribution to public libraries shall be distributed among the public libraries of the state of Indiana pursuant to IC 4-23-7.1. However, a public library district that does not provide for the issuance of library cards free of charge or for a fee to all individuals who reside in the county in which that public library district is located shall not be considered an eligible public library district in determining the amounts to be distributed under IC 4-23-7.1 and is not entitled to a distribution under IC 4-23-7.1.

FOR THE STATE

LIBRARY

Personal

Services	2,048,604	2,048,604
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Other Operating

Expense	755,568	755,568
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COOPERATIVE

LIBRARY SERVICES

AUTHORITY

Total Operating

Expense	2,408,848	2,408,848
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ACADEMY OF SCIENCE

Total Operating

Expense	8,811	8,811
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FOR THE ARTS

COMMISSION

Personal

Services	299,066	299,066
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Other Operating

Expense	2,703,905	2,703,905
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FOR THE HISTORICAL

BUREAU

Personal

Services	298,045	298,045
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Other Operating

Expense	71,998	71,998
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HISTORICAL MARKER

PROGRAM

Total Operating

Expense for the Biennium	25,000	
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FOR THE COMMISSION

ON PROPRIETARY

EDUCATION

Personal

Services	357,847	357,847
Other Operating Expense	70,767	70,767

1996-31-21

SECTION 21. (a) As used in this SECTION, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders.

(b) As used in this SECTION, "order" has the meaning set forth in IC 5-2-9-2.1.

(c) Before July 30, 1998, a municipal law enforcement agency shall enter into the Indiana data and communication system (IDACS) computer as required under IC 5-2-5-12, as amended by this act, all information contained in a protective order that protects a resident of the municipality in which the law enforcement agency has jurisdiction. If a person protected by an order resides in an area of a county that is outside the boundaries of a municipality, the sheriff of the county shall enter into the IDACS computer as required under IC 5-2-5-12, as amended by this act, all information contained in a protective order.

(d) This SECTION expires December 31, 1998.

1996-32-21

SECTION 21. (a) As used in this SECTION, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders.

(b) As used in this SECTION, "order" has the meaning set forth in IC 5-2-9-2.1.

(c) Before July 30, 1998, a municipal law enforcement agency shall enter into the Indiana data and communication system (IDACS) computer as required under IC 5-2-5-12, as amended by this act, all information contained in a protective order that protects a resident of the municipality in which the law enforcement agency has jurisdiction. If a person protected by an order resides in an area of a county that is outside the boundaries of a municipality, the sheriff of the county shall enter into the IDACS computer as required under IC 5-2-5-12, as amended by this act, all information contained in a protective order.

(d) This SECTION expires December 31, 1998.

1996-33-10

SECTION 10. IC 35-42-4-3, as amended by this act, and IC 35-42-4-9, as amended by this act, apply to offenses committed after June 30, 1996.

1996-33-11

SECTION 11. (a) IC 5-2-12-4, IC 5-2-12-9, IC 5-2-12-12, all as amended by this act, apply to a child who is adjudicated a delinquent child after June 30, 1996, for an act that would be an offense described in IC 5-2-12-4(1), as amended by this act.

(b) IC 5-2-12-9, as amended by this act, applies to a person who commits a crime after June 30, 1996.

1996-34-21

SECTION 21. (a) As used in this SECTION, "committee" refers to the testing issues study committee established by subsection (b).

(b) The testing issues study committee is established.

(c) The committee shall study issues related to student assessment testing.

(d) The committee may study other topics assigned by the legislative council or as directed by the committee's chairman.

(e) The committee is under the jurisdiction of the legislative council and shall operate under policies and procedures established under the direction of the legislative council.

(f) Before November 1, 1996, the committee shall issue a final report stating the committee's findings, conclusions, and recommendations. The committee shall issue other reports as directed by the legislative council.

(g) The committee consists of eight (8) members of the general assembly.

(h) The speaker of the house of representatives, with the advice of the minority leader of the house of representatives, shall appoint four (4) representatives, not more than two (2) of whom are of the same political party, as members of the committee.

(i) The president pro tempore of the senate, with the advice of the minority leader of the senate, shall appoint four (4) senators, not more than two (2) of whom are of the same political party, as members of the committee.

(j) When the committee members are appointed, the chairman of the legislative council shall name one (1) of the members as chairman and the vice chairman of the legislative council shall name one (1) of the members as vice chairman. However, the appointing authority may name a different chairman or vice chairman at any time.

(k) A member of the committee may be removed at any time by the appointing authority who appointed the member.

(l) The term of a member expires immediately upon the next election of members of the general assembly following the member's appointment. A vacancy occurs if a legislative member leaves office for any reason.

(m) The appointing authority shall fill a vacancy on the committee by appointing a member for the unexpired term.

(n) The committee shall meet during the interim between adjournment of the second regular session of the one hundred ninth general assembly and November 1, 1996, at the call of the chairman or at other times the committee determines.

(o) Notice of the time, place, and agenda of committee meetings shall be given in the same manner as meetings of interim study committees established by the legislative council.

(p) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including final reports.

(q) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees

established by the legislative council.

(r) Staff and administrative support for the committee shall be provided by the legislative services agency.

(s) The legislative council shall establish a budget for the committee. Subject to prior authorization of the legislative council, the expenses incurred by the committee in performing the committee's duties shall be paid from the funds appropriated to the legislative council.

(t) This SECTION expires December 31, 1996.

1996-34-22

SECTION 22. (a) Notwithstanding IC 20-1-21, as added by this act, a school corporation shall publish the first school corporation annual performance report required under IC 20-1-21, as added by this act, in 1998.

(b) Notwithstanding IC 20-1-21, as added by this act, a school corporation annual performance report must include benchmarks for the following years:

- (1) For the report made in 1998, for only the preceding year.
- (2) For the report made in 1999, for only the preceding two (2) years.

(c) This SECTION expires January 1, 2000.

1996-35-3

SECTION 3. (a) This SECTION applies to the surviving spouse and the surviving dependent of a member of the Indiana state teachers' retirement fund who:

- (1) dies after November 30, 1992, and before July 1, 1996;
- (2) has at least thirty (30) years of creditable service; and
- (3) dies in service in a position covered by the Indiana state teachers' retirement fund.

(b) If a member described in subsection (a) dies with a surviving spouse who was married to the member for at least two (2) years, the board of trustees of the Indiana state teachers' retirement fund may determine that the surviving spouse is entitled to a survivor benefit equal to the monthly benefit that would have been payable to the spouse under the joint and survivor option of IC 5-10.2-4-7 upon the member's death following retirement at:

- (1) fifty-five (55) years of age; or
- (2) the actual date of death;

whichever is later. However, benefits payable under this section are subject to IC 5-10.2-3-7.5(e) and IC 5-10.2-3-7.5(g).

(c) If a member described in subsection (a) dies without a surviving spouse who was married to the member for at least two (2) years, but with a surviving dependent, the board of trustees of the Indiana state teachers' retirement fund may determine that the surviving dependent is entitled to a survivor benefit in a monthly amount equal to the actuarial equivalent of the monthly benefit that would have been payable to the spouse (assuming the spouse would have had the same birth date as the member) under the joint and survivor option of IC 5-10.2-4-7 upon the member's death following retirement at:

- (1) fifty-five (55) years of age; or
- (2) the actual date of death;

whichever is later. If there are two (2) or more surviving dependents, the actuarial equivalent of the benefit described in this subsection shall be calculated and, considering the dependents' attained ages, an equal dollar amount shall be determined as the monthly benefit to be paid to each dependent. Monthly benefits under this subsection are payable until the date the dependent becomes eighteen (18) years of age or dies, whichever is earlier. However, if a dependent is permanently and totally disabled (using disability guidelines established by the Social Security Administration) at the date the dependent reaches eighteen (18) years of age, the monthly benefit is payable until the date the dependent is no longer disabled (using disability guidelines established by the Social Security Administration) or dies, whichever is earlier. However, benefits payable under this section are subject to IC 5-10.2-3-7.5(e) and IC 5-10.2-3-7.5(g).

(d) The board of trustees of the Indiana state teachers' retirement fund shall make any adjustments in benefits required by this SECTION.

(e) This SECTION expires January 1, 1999.

1994-40-86

SECTION 86. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health established by this SECTION.

(b) The Indiana commission on mental health is established.

(c) The commission consists of sixteen (16) members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission. The governor shall appoint twelve (12) lay members, not more than six (6) of whom may be from the same political party, to serve on the commission as follows:

- (1) Four (4) at-large members, not more than two (2) of whom may be from the same political party.
- (2) Two (2) consumers of mental health services.
- (3) Two (2) representatives of different advocacy groups for consumers of mental health services.
- (4) Two (2) members of families of consumers of mental health services.
- (5) Two (2) members who represent mental health providers. One (1) of the members appointed under this subdivision must be a physician licensed under IC 25-22.5.

(d) Except for the members appointed under subsection (c)(5), the members of the commission may not have a financial interest in the subject matter to be studied by the commission.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(f) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay

members, respectively, on interim study committees established by the legislative council.

(g) The commission shall do the following:

- (1) Study and evaluate the funding system for managed care providers of mental health services.
- (2) Review and make specific recommendations regarding the provision of mental health services delivered by community managed care providers and state operated hospitals.
- (3) Review and make recommendations regarding any unmet need for public supported mental health services in any specific geographic area or throughout Indiana. In formulating these recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of managed care providers.
- (4) Review the results of the actuarial study submitted by the division of mental health to the commission.
- (5) Make recommendations regarding the application of the actuarial study by the division of mental health to the determination of service needs, eligibility criteria, payment, and prioritization of service.
- (6) Review and make recommendations regarding third party coverage for mental illness.
- (7) Review and make recommendations regarding the issue of mental health benefits, benefit limitations, and rates under the Indiana Medicaid program, and the relationship of these issues to the mental health delivery system.
- (8) Submit a report, not later than December 1, 1996, to the legislative council recommending the state agency under which the division of mental health should be permanently placed.

(h) The commission shall submit recommendations under subsection (g) to the secretary of the family and social services administration and to the legislative council before January 1, 1999.

(i) This SECTION expires January 1, 1999.

1996-41-2

SECTION 2. An investment of public funds (as defined in IC 5-13-4-20):

- (1) made under a repurchase or resale agreement, including a standing repurchase or resale agreement, that was entered into before the effective date of this act; and
- (2) that:
 - (A) would have been in compliance with IC 5-13-9-3, as amended by this act, if IC 5-13-9-3, as amended by this act, had been in effect at the time the repurchase or resale agreement, including a standing repurchase or resale agreement, was entered into;
 - (B) is no longer in effect on the effective date of this act; or
 - (C) is brought into compliance with IC 5-13-9-3, as amended by this act, not more than ninety (90) days after the effective date of this act;

is legalized and validated.

1996-46-3

SECTION 3. IC 6-1.1-10-29 and IC 6-1.1-10-29.5, both as amended by this act, apply to property taxes first due and payable after December 31, 1996.

1996-47-2

SECTION 2. (a) This SECTION applies to:

- (1) an effort to claim an exemption in 1994 for property taxes first due and payable in 1995; and
- (2) an effort to claim an exemption in 1995 for property taxes first due and payable in 1996.

(b) Notwithstanding:

- (1) a decision of the state board of tax commissioners, made before the passage of this act, to deny a claim for an exemption;
- (2) the deadline for seeking reconsideration of a decision of the state board of tax commissioners, made before the passage of this act, to deny a claim for an exemption; or
- (3) the deadline for seeking a refund of a claim for an exemption;

the state board of tax commissioners shall reconsider an effort to claim an exemption and grant refunds to a taxpayer, consistent with the provisions of this act.

(c) This SECTION expires January 1, 1997.

1996-47-3

SECTION 3. IC 6-1.1-10-31.7, as amended by this act, applies to efforts to obtain an exemption in 1994 or thereafter for property taxes first due and payable in 1995 or thereafter.

1996-48-5

SECTION 5. (a) A person who, for the March 1, 1992, assessment date, had inventory in Indiana that qualified for one (1) or more of the interstate commerce exemptions granted by IC 6-1.1-10-29, IC 6-1.1-10-29.3, or IC 6-1.1-10-30, but who has been denied exemption for that inventory by the state board of tax commissioners for failure to claim exemption on its 1992 personal property tax return, may claim exemption for that inventory if:

- (1) the person, pursuant to an extension obtained under IC 6-1.1-3-7, timely filed a Form 103, as prescribed by the state board of tax commissioners, for the 1992 assessment year and the Form 103 reported the inventory without claiming exemption;
- (2) the person filed before May 31, 1993, an amended Form 103 for the 1992 assessment year and the amended Form 103 was accompanied by a Form 103-W claiming exemption for the inventory;
- (3) the person filed before June 30, 1993, a Petition For Correction of Errors on a Form 133 prescribed by the state board of tax commissioners claiming exemption for the inventory; and
- (4) the person files a new Form 103-W with the state board of tax commissioners on or before June 1, 1996.

(b) A person who qualifies to claim exemption under subsection (a) and who claims exemption by timely filing a new Form 103-W under subsection (a)(4) is entitled to exemption under IC 6-1.1-10-29, IC 6-1.1-10-29.3, or IC 6-1.1-10-30, for its inventory to the same extent that it would have been entitled to these exemptions if they had been claimed on its 1992 personal property tax return. However, the total amount of the exemptions granted shall not exceed the total amount of the exemptions claimed on the amended return filed by the person.

(c) The amount of the exemption granted under this SECTION shall be applied in computing the person's property tax liability for taxes first due and payable in 1993. No interest or penalty shall be imposed in connection with the nonpayment of taxes attributable to inventory exempted by this SECTION.

(d) This SECTION expires December 31, 1996.

1996-48-6

SECTION 6. (a) Notwithstanding IC 6-1.1-12, the time for filing the statement required by IC 6-1.1-12-10.1, IC 6-1.1-12-12, IC 6-1.1-12-15, and IC 6-1.1-12-17.5 to qualify for assessed value deductions provided under IC 6-1.1-12-9, IC 6-1.1-12-11, IC 6-1.1-12-14, and IC 6-1.1-12-17.4, all as amended by this act, for property taxes first due and payable in 1997 is extended through June 30, 1996. A person who qualifies on the effective date of this SECTION for an assessed valuation deduction for property taxes first due and payable in 1997 does not have to file a new statement because of this act.

(b) IC 6-1.1-12-9, IC 6-1.1-12-11, IC 6-1.1-12-14, and IC 6-1.1-12-17.4, all as amended by this act, apply only to property taxes first due and payable after December 31, 1996.

(c) This SECTION expires January 1, 1998.

1996-50-18

SECTION 18. (a) The department of education and the state board of tax commissioners shall select pilot school corporations under subsection (b). Beginning January 1, 1997, the school corporations selected under subsection (b) shall comply with SECTIONS 1 through 18 of this act as if those SECTIONS were effective January 1, 1997.

(b) Before October 1, 1996, the department of education and the state board of tax commissioners shall meet to select ten (10) pilot school corporations. The pilot school corporations shall be selected with the objective that the pilot school corporations collectively represent a broad range of the different types and sizes of school corporations that exist in Indiana. In order to achieve this objective, the department of education and the state board of tax commissioners shall select the pilot school corporations based on the following criteria:

- (1) The size of the student population within the corporation.
- (2) The size of the geographic territory served by the corporation.
- (3) The average growth of the property tax assessed valuation within the corporation's district over the preceding three (3) years.

(4) The growth or decline of the ADM (as defined in IC 21-3-1.6-1.1) within the corporation over the preceding three (3) years, excluding any year in which there is a general reassessment.

(5) The extent of urban development in the corporation.

(6) Any other factors the department of education and the state board of tax commissioners determine are necessary to distinguish a group or category of school corporations that deserve representation by a pilot school corporation.

(c) All state and local governmental officials whose official functions relate to this act shall cooperate with the department of education, the state board of tax commissioners, and the pilot school corporations to implement this act.

(d) This SECTION expires July 1, 1999.

1996-50-19

SECTION 19. (a) The initial school year budget adopted by a pilot school corporation selected under SECTION 19 of this act and fixed by the state board of tax commissioners under this act is for the period beginning July 1, 1997, through June 30, 1998. The first six (6) months of the initial budget for a pilot school corporation must be consistent with the last six (6) months of the budget fixed by the state board of tax commissioners for calendar year 1997 under the procedures effective in 1996.

(b) The initial school year budget adopted by a school corporation, other than a pilot school corporation selected under SECTION 19 of this act, and fixed by the state board of tax commissioners under this act, is for the period beginning July 1, 1999, through June 30, 2000. The first six (6) months of the initial budget must be consistent with the last six (6) months of the budget fixed by the state board of tax commissioners for calendar year 1999 under the procedures effective in 1998.

(c) This SECTION expires July 1, 2000.

1996-50-20

SECTION 20. (a) The department of education, with the assistance of the state board of tax commissioners, shall submit to the budget committee the following concerning all pilot school corporations selected under SECTION 19 of this act:

(1) Before October 1, 1998, a written report that:

(A) specifies positive and negative aspects experienced in formulating a budget under this act;

(B) makes recommendations on how to remedy any perceived inadequacies in the provisions of this act; and

(C) analyzes the long term benefits of this act.

(2) Before October 1, 1999, a written report that:

(A) updates the report made under subdivision (1);

(B) outlines adjustments the school corporation made in the process of converting to formulating a budget under this act; and

(C) provides any other information related to the school

corporation's experiences as a pilot school corporation under this act that the school corporation believes important to be made known to the general assembly or other school corporations before this act takes effect for all school corporations.

Each pilot school corporation shall provide the department of education with the information necessary for the department of education to complete the reports required under this subsection.

(b) The department of education shall send copies of the reports required by this SECTION to the following:

- (1) The county auditor.
- (2) The state board of tax commissioners.
- (3) Each pilot school corporation.
- (4) The Indiana School Boards Association.
- (c) This SECTION expires July 1, 2000.

1996-51-78

SECTION 78. IC 6-1.1-17-3, as amended by this act, applies to property taxes first due and payable after December 31, 1996.

1996-52-5

SECTION 5. (a) The definitions in IC 20-8.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "client population" means a group of individuals who receive county welfare services and qualify in at least one (1) of the following categories:

- (1) Individuals who are:
 - (A) children who are adjudicated by a juvenile court as children in need of services; or
 - (B) the parents, guardians, or custodians of the children described in this subdivision.
- (2) Individuals who are:
 - (A) children who are adjudicated by a juvenile court as delinquent children; or
 - (B) the parents, guardians, or custodians of the children described in this subdivision.
- (3) Individuals who are:
 - (A) children who are S-5 students; or
 - (B) the parents, guardians, or custodians of the children described in this subdivision.
- (4) Individuals who are:
 - (A) children who are special education preschool children; or
 - (B) the parents, guardians, or custodians of the children described in this subdivision.
- (5) Individuals who are:
 - (A) both:
 - (i) part of an identifiable group not described in subdivisions (1) through (4), as determined by the budget agency; and
 - (ii) eligible for a program funded in any part from a

county welfare fund or a county family and children's fund; or

(B) members of the immediate family of the individuals described in clause (A).

(c) As used in this SECTION, "county transfer student" means a student:

(1) who is enrolled in a school corporation that is different than the school corporation where the student has legal settlement; and

(2) to which IC 20-8.1-6.1-5(a) applies.

(d) As used in this SECTION, "county welfare service" means a program for which expenditures are payable in any part from a county welfare fund established by IC 12-19-3-2 or a county family and children's fund established by IC 12-19-7-3. The term includes expenditures for the programs described in IC 12-19-1-10.

(e) As used in this SECTION, "S-5 student" means a student who:

(1) is placed under IC 20-1-6-19;

(2) is not a county transfer student; and

(3) receives or whose parents, guardians, or custodians receive county welfare services.

(f) As used in this SECTION, "special education preschool child" means a child who:

(1) receives services funded in any part from a special education preschool fund established under IC 21-2-17-1; and

(2) receives or whose parents, guardians, or custodians receive county welfare services.

(g) The budget agency shall prepare and distribute a report to the:

(1) president pro tempore of the senate;

(2) minority leader of the senate;

(3) speaker of the house of representatives;

(4) minority leader of the house of representatives;

(5) chairman of the senate finance committee;

(6) chairman of the house ways and means committee;

(7) executive director of the legislative services agency;

(8) the governor;

(9) the superintendent of public instruction; and

(10) the secretary of family and social services;

before December 1, 1996. The budget agency may contract for services to comply with this SECTION.

(h) The report required under this SECTION must identify the costs of providing programs that qualify as:

(1) county welfare services;

(2) educational functions (as defined in IC 20-8.1-1-9):

(A) provided to county transfer students; and

(B) not paid from a county welfare fund or county family and children's fund;

(3) services paid by the state under IC 20-1-6-19 for S-5 students; and

(4) educational functions (as defined in IC 20-8.1-1-9):

(A) provided to special education preschool children; and

(B) not paid from a county welfare fund or county family

and children's fund.

The budget agency shall project the size of each client population and the costs required to provide services described in subdivisions (1) through (4) for each state fiscal year and each calendar year that ends before July 1, 2001. The budget agency shall aggregate the information required in this subsection on a statewide basis and on a county or school corporation basis, as appropriate, by program, type of service provided, client population, fund from which payment is made, and source of revenue. Educational expenses payable from a county welfare fund or a county family and children's fund shall be identified separately from other expenditures payable from a county welfare fund or county family and children's fund.

(i) The report required by this SECTION must:

(1) identify the extent to which each county can meet projected expenditures payable from the county welfare fund or county family and children's fund without appealing for an increase in its maximum levies under IC 6-1.1-18.6 or obtaining emergency loans or issuing bonds under IC 12-19-3, IC 12-19-5, or IC 12-19-7;

(2) include alternative financing proposals that can reduce the impact of projected county welfare services on property tax levies and simplify payment management of the programs described in subsection (h); and

(3) include any other information that will assist the general assembly in determining whether the current method of financing the programs described in subsection (h) is efficient and fair to taxpayers.

(j) State elected officials, state agencies, courts established under IC 33, political subdivisions, and local elected officials shall provide the information requested by the budget agency or its agent to carry out this SECTION without charge. If the budget agency requires information that includes data that will identify a particular person receiving county welfare services, the budget agency and the entity possessing the information shall, by agreement, establish a format for the transfer of the information that eliminates any identifying information.

(k) This SECTION expires January 1, 1997.

1996-53-11

SECTION 11. (a) After January 1, 1996, and before March 30, 1996, a school corporation may appeal under IC 6-1.1-19 to the state board of tax commissioners to request that the state board of tax commissioners recompute the school corporation's 1996 property tax levy under IC 21-2-11.5-3 for the operating account of the transportation fund after adding to the amount specified in IC 21-2-11.5-3(b) STEP THREE the amount of the unexpended cash balance in the school corporation's school transportation fund on January 1, 1995, that is expended for operating costs in calendar year 1995.

(b) If a school corporation files an appeal under subsection (a):

(1) before April 16, 1996, the state board of tax commissioners

shall:

(A) recompute the school corporation's 1996 property tax levy for the operating account of the transportation fund in conformity with subsection (a) and adjust the school corporation's 1996 property tax levy to be the amount determined under STEP FOUR of the formula in IC 21-2-11.5-3(b);

(B) certify or recertify the transportation fund levy and tax rates to the county auditor for each county in which an appealing school corporation is located; and

(C) instruct affected counties on how to implement an adjustment under this SECTION; and

(2) for purposes of determining the school corporation's property tax levy for the operating account of the transportation fund for 1997, the levy for the previous year is the levy determined under this SECTION.

(c) Notwithstanding the failure to include the rate determined under this SECTION in the notice under IC 6-1.1-22-4 or an abstract certified under IC 6-1.1-22-5 and any other law, the adjusted property tax levy determined and certified or recertified under subsection (b) applies to property taxes first due and payable after December 31, 1995. The county auditor and treasurer shall implement this subsection in conformity with the instructions distributed by the state board of tax commissioners under subsection (b).

(d) Property tax revenues collected by a school corporation as a result of an appeal under this SECTION may be expended only as appropriated by the school corporation in a budget or supplemental budget.

(e) This SECTION expires January 1, 1998.

1996-53-12

SECTION 12. (a) Notwithstanding IC 21-2-11.5-2 and IC 21-2-11.5-3.1, both as amended by this act, a school corporation may levy and expend a property tax to pay for contracted transportation services payable from the school bus replacement account in calendar year 1996 without including information concerning the expenditure in the school corporation's ten (10) year transportation plan before August 1, 1995. However, if the school corporation seeks to pay for contracted transportation services in calendar year 1996 from the school bus replacement account, the school corporation shall:

(1) notify the state board of tax commissioners in writing not more than ten (10) days after the passage of this act concerning the school corporation's intent to pay for contracted transportation services in calendar year 1996 from the school bus replacement account; and

(2) in conformity with IC 21-2-11.5-3.1, as amended by this act, hold a hearing and update the plan before August 29, 1996, to include information concerning the contracted transportation services.

(b) Notwithstanding any other law, upon receipt of a notice under subsection (a), the state board of tax commissioners shall make the

budget, tax rate, and tax levy adjustments necessary to accommodate the reallocation of the expenditures and notify the county auditor of the adjustments. However, the state board of tax commissioners may not raise the total property tax levy and rate for a school transportation fund in excess of the levy and rate originally advertised by the school corporation.

(c) This SECTION expires January 2, 1998.

1996-53-13

SECTION 13. (a) Notwithstanding any other law, a school corporation may file an appeal under IC 6-1.1-19-5.4(a)(5), as amended by this act, for property taxes first due and payable in the 1996 calendar year before April 1, 1996. If the appeal is granted under this SECTION, the state board of tax commissioners shall instruct the county auditor and the county treasurer of each county affected by the appeal on the procedures to use to implement the appeal.

(b) This SECTION expires January 1, 1997.

1996-54-7

SECTION 7. IC 6-1.1-20-3.2, as amended by this act, applies to any petition or remonstrance filed with a county auditor after the effective date of this SECTION, regardless of when the time for obtaining signatures on a petition or remonstrance began.

1996-55-2

SECTION 2. (a) As used in this SECTION, "board" refers to the enterprise zone board established by IC 4-4-6.1-1.

(b) A zone business that:

- (1) submitted to the board, on a form prescribed by the board, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and
- (2) tendered payment of the amount specified in IC 4-4-6.1-2(4)(A) to the board;

in compliance with IC 4-4-6.1-2.5(a), as effective June 1, 1995, after May 31, 1995, and before June 16, 1995, shall be treated for the purposes of IC 4-4-6.1-2.5, as effective June 1, 1995, as if the zone business had complied with IC 4-4-6.1-2.5, as effective June 1, 1995, before June 1, 1995.

(c) An official of the state or a political subdivision is authorized to take the actions necessary to:

- (1) reinstate the credits and exemptions that would have been waived without this SECTION;
- (2) reinstate, effective retroactively to May 31, 1995, a business that is described by this SECTION as a zone business without requiring the business to petition for readmission or to pay any civil penalties; and
- (3) refund any civil penalties paid under IC 4-4-6.1-2.5, as effective June 1, 1995.

(d) Notwithstanding any other statute or rule, a payment or fee that is required from a zone business identified in subsection (a) to qualify the zone business for the credits and exemptions that would have been

waived without this SECTION may be paid by the zone business before June 1, 1996.

1996-56-16

SECTION 16. (a) IC 6-1.1-23-1.5, as amended by this act, applies only to collection contracts entered into after the effective date of IC 6-1.1-23-1.5, as amended by this act.

(b) IC 6-1.1-23-12, as amended by this act, applies to all judgments under IC 6-1.1-23 that have not been collected or set aside on or after the effective date of IC 6-1.1-23-12, as amended by this act.

(c) IC 6-1.1-24-2, IC 6-1.1-24-9, IC 6-1.1-25-2, IC 6-2.1-8-5, and IC 6-2.1-8-6, all as amended by this act, and IC 6-1.1-36-16, as added by this act, apply only to delinquency notices, tax sales, property transfers recorded, and remittances by county treasurers for collected gross income tax for months beginning after June 30, 1996.

(d) IC 32-8-16-5 and IC 34-1-53-10, both as amended by this act, and IC 34-1-53-12, as added by this act, apply to all sheriff's sales conducted to foreclose mortgages on or after the effective date of this SECTION.

(e) IC 36-2-10-21 and IC 36-2-10-22, both as amended by this act, apply to all money received from the county coroner and in the possession of the county treasurer on or after the effective date of this SECTION.

(f) IC 6-1.1-22-6.5, as added by this act, and IC 6-1.1-24-7 and IC 6-1.1-25-4.5, both as amended by this act, apply only to payments made, claims submitted, and notice periods beginning after the effective date of this SECTION.

1996-57-6

SECTION 6. IC 6-3.1-10-6.5 and IC 6-3.1-16-7.5, both as added by this act, apply only to taxable years beginning after December 31, 1994.

1996-58-2

SECTION 2. (a) Notwithstanding IC 12-19-7-5, in a county where the state board of tax commissioners under IC 12-19-7-5 reduced the county general fund maximum levy by an amount greater than three hundred fifty thousand dollars (\$350,000) but less than four hundred fifty thousand dollars (\$450,000), the county council may appeal to the state board of tax commissioners under IC 6-1.1-18.5-12 to increase the county's general fund maximum levy in an amount equal to the amount that the county's general fund maximum levy was reduced in accordance with IC 12-19-7-5. The state board of tax commissioners may grant an increase in the county's general fund maximum levy in an amount not to exceed the amount that the county's general fund maximum levy was reduced in accordance with IC 12-19-7-5.

(b) This SECTION applies to property tax levies certified by the state board of tax commissioners for property taxes first due and payable after December 31, 1995.

(c) This SECTION expires January 1, 1998.

1996-61-25

SECTION 25. (a) Rules adopted by the bureau of motor vehicles concerning vehicle registration under the International Registration Plan under IC 9-18 are considered rules of the department of state revenue for purposes of IC 9-18 until the department of state revenue adopts rules that supersede the rules adopted by the bureau of motor vehicles.

(b) This SECTION expires July 1, 1998.

1996-61-26

SECTION 26. (a) Any rule or practice of the bureau of motor vehicles or bureau of motor vehicles commission that is inconsistent with IC 9-18-2-1, as amended by this act, is void.

(b) A property tax, excise tax, or motor vehicle registration required for a period before the effective date of this SECTION that would have been prohibited if IC 9-18-2-1, as amended by this act, had been in effect during the period may not be imposed or collected after the effective date of this SECTION.

1996-61-27

SECTION 27. (a) For purposes of IC 6-8.1-1-1, "listed taxes" or "taxes" includes:

- (1) the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); and
- (2) the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30).

(b) This SECTION expires July 1, 1996.

1996-61-28

SECTION 28. (a) Notwithstanding IC 9-18-2-15, as amended by this act, if a vehicle is being registered subject to the International Registration Plan, the vehicle shall be registered at the department of state revenue under rules adopted under IC 4-22-2.

(b) This SECTION expires July 1, 1996.

1996-61-29

SECTION 29. (a) Notwithstanding IC 9-18-4-3, as amended by this act, an application made under IC 9-18-4-1 for a vehicle registered under the International Registration Plan must be mailed to the department of state revenue under rules adopted under IC 4-22-2.

(b) This SECTION expires July 1, 1996.

1996-62-16

SECTION 16. Licenses described in IC 9-24-12-1, IC 9-24-12-2, IC 9-24-12-3, and IC 9-24-12-7, all as amended by this act, that were issued before January 1, 1997, expire at the end of the last day of the month in which the licensee's birthday occurs.

1996-67-9

SECTION 9. (a) Notwithstanding IC 6-8.1-7-1, IC 6-8.1-7-1 does not apply to the fees under IC 13-7-20.

(b) This SECTION expires June 30, 1996.

1996-67-10

SECTION 10. (a) Notwithstanding IC 13-7-20-33(i), as added by this act, and IC 13-23-8-4.5 (effective July 1, 1996), as added by this act, an owner or operator who has failed at any time since April 1, 1988, to register an underground petroleum storage tank from which a release has occurred or fails to pay all registration fees that were due under IC 13-7-20-32 or IC 13-23-12 (effective July 1, 1996) by the date that the fees were due shall be eligible for reimbursement under IC 13-7-20-33(a)(1) and IC 13-7-20-33(a)(3) or, after June 30, 1996, under IC 13-23-8-1(1) and IC 13-23-8-1(3), from the underground petroleum storage tank excess liability fund, as determined in STEP THREE:

STEP ONE: Determine the number of payments that should have been made under IC 13-7-20-32 or under IC 13-23-12 (effective July 1, 1996) on all of the regulated tanks at the facility from which a release occurred, beginning with the date that the fees for each tank first became due under IC 13-7-20 or IC 13-23 (effective July 1, 1996) and continuing until the date on which the release occurred.

STEP TWO: Determine the number of payments actually made under IC 13-7-20-32 or IC 13-23-12 (effective July 1, 1996) on all of the regulated tanks at the facility from which a release occurred, beginning with the date each tank became regulated under IC 13-7-20 or IC 13-23 (effective July 1, 1996) and continuing until the date on which the release occurred. Divide that number by the number determined under STEP ONE.

STEP THREE: Determine the amount of money an owner or operator would have received under IC 13-7-20-33(a)(1), IC 13-7-20-33(a)(3), IC 13-23-8-1(1) (effective July 1, 1996), or IC 13-23-8-1(3) (effective July 1, 1996) if all payments due on the date the release occurred had been paid, and multiply the amount by:

(A) the percent determined in STEP TWO, if the amount is at least fifty percent (50%); or

(B) zero (0), if the percent determined in STEP TWO is less than fifty percent (50%).

(b) Payments that were made or could have been paid under IC 13-7-20-32(c) or IC 13-23-12-3 (effective July 1, 1996) four (4) times per year count as one (1) payment for purposes of this section. Payments that were made or due on each tank at a facility shall each count as an additional payment for purposes of this SECTION in figuring the total payments made or due.

(c) An owner or operator who has had a claim denied for failure to register an underground petroleum storage tank from which a release has occurred or for failure to pay all registration fees that are due under IC 13-7-20-32 or IC 13-23-12 (effective July 1, 1996) by the date the fees are due may resubmit the claim, regardless of whether the denial was appealed, under subsection (a). The claim must be in the form of a letter providing the facility identification number, the incident

number, and, if an appeal was filed, a copy of an order to dismiss the appeal.

(d) This subsection applies to a person who obtains ownership or operation of an underground petroleum storage tank before the date that rules adopted under IC 13-7-20-33(i) or IC 13-23-8-4.5 (effective July 1, 1996) take effect. Notwithstanding IC 13-7-20-33(d) and IC 13-7-20-32(g) or, after June 30, 1996, IC 13-23-8-4 (effective July 1, 1996) and IC 13-23-12-7 (effective July 1, 1996), a person who obtains ownership or operation of an underground petroleum storage tank from an owner or operator who was not in compliance with IC 13-7-20 or IC 13-23 (effective July 1, 1996) may become fully eligible to receive money from the underground petroleum storage tank excess liability fund under IC 13-7-20-33(i) or IC 13-23-8-4.5 (effective July 1, 1996) and shall not be subject to the penalty in IC 13-7-20-32(g) or IC 13-23-12-7 (effective July 1, 1996), if the person acquires ownership or operation of the underground petroleum storage tank as a result of:

- (1) a bona fide, good faith transaction, negotiated at arms length, between parties under separate ownership and control;
- (2) a foreclosure or a deed transferred in lieu of a foreclosure; or
- (3) the exercising of the person's lien rights;

and not later than ninety (90) days after acquiring ownership or operation the person both registers the underground petroleum storage tank and pays all applicable fees, including past due fees, before filing an application for reimbursement under IC 13-7-20 or IC 13-23 (effective July 1, 1996).

(e) This SECTION expires October 1, 1997.

1996-67-11

SECTION 11. (a) Notwithstanding IC 13-23-3-1, as added by SEA 56-1996, if a person is certified by the state fire marshal under IC 13-7-20-13.1 (before its repeal) or IC 13-23-3-1 before January 1, 1997, the person may renew the person's certification one (1) time before January 1, 1998, under the certification requirements in effect on December 31, 1996. If a person renews a person's certification under this subsection, the certification expires:

- (1) the date the state fire marshal accepts the evidence submitted by the person under subsection (b)(2) that the person has successfully completed the examination; or
- (2) January 1, 1998;

whichever is earlier.

(b) To subsequently renew a certification renewed under subsection (a), a person must:

- (1) successfully complete the International Fire Code Institute examination or another appropriate examination approved by the state fire marshal:
 - (A) after January 1, 1997; and
 - (B) before January 1, 1998; and
- (2) submit evidence to the state fire marshal before January 1, 1998, that the person has successfully completed the examination.

- (c) A certification renewed under subsection (b):
 - (1) is effective on the date the state fire marshal accepts the evidence submitted by the person under subsection (b)(2) that the person has successfully completed the examination; and
 - (2) expires two (2) years from the date the person successfully completes the examination.
- (d) This SECTION expires January 2, 2002.

1996-68-9

SECTION 9. (a) The definitions in IC 36-1-2 apply throughout this SECTION.

(b) Notwithstanding IC 6-9-2-3, as amended by this act, the member appointed to the governing body of the Lake County convention and visitor bureau by:

- (1) the lieutenant governor, to replace a member whose term expires in 1998, has a term of two (2) years;
- (2) the executive of the third largest municipality in the county, to replace a member whose term expires in 1998, has a term of two (2) years;
- (3) the executive of the largest municipality in the county, to replace a member whose term expires in 1998, has a term of one (1) year; and
- (4) the executive of the second largest municipality in the county, to replace a member whose term expires in 1998, has a term of one (1) year.

(c) This SECTION expires January 1, 2001.

1996-68-10

SECTION 10. (a) This SECTION applies to a port authority described in IC 8-10-5-5(c), as amended by this act.

(b) The two (2) members of the board of directors on February 29, 1996, whose terms have expired, shall, for purposes of IC 8-10-5-5(c), as amended by this act, be considered appointees of the mayor. The mayor shall make appointments to these positions for four (4) year terms beginning March 1, 1996.

(c) The three (3) members of the board of directors on February 29, 1996, whose terms expire after March 1, 1996, shall, for purposes of IC 8-10-5-5(c), as amended by this act, be considered appointees of the mayor or the legislative body as follows:

- (1) The legislative body is the appointing authority of a member of the board of directors who is serving or has served as a member of the city legislative body.
- (2) The mayor is the appointing authority of a member of the board of directors who has never served as a member of the city legislative body.

As the terms of the members described in this subsection expire, the appointing authority designated in this subsection shall make an appointment to the position for a four (4) year term.

(d) This SECTION expires March 1, 2000.

1996-70-2

SECTION 2. (a) Before July 1, 1997, the alcoholic beverage commission shall adopt a salary matrix under IC 7.1-1-2-13, as amended by this act.

(b) This SECTION expires July 1, 1998.

1996-70-3

SECTION 3. (a) The director of the state personnel department established by IC 4-15-1.8-2 shall do the following:

(1) Make a survey of state government classification systems and salary schedules for professional employees in the types of natural resources professions that are employed by the department of natural resources for the following states: Michigan, Ohio, Illinois, Kentucky, Wisconsin, Minnesota, Missouri, Kansas and Nebraska.

(2) Prepare a classification system and salary schedule for the professional employees of the department of natural resources who are employed in natural resources professions that:

(A) reflect the results of the survey conducted under subdivision (1); and

(B) provide for classifications and salary adjustments that are based on education and experience.

(3) Implement the classification system and salary schedule developed under subdivision (2) in the 1997-1998 state fiscal year.

(b) This SECTION expires July 1, 2001.

1996-81-13

SECTION 13. (a) As used in this SECTION, "crossing" means a public railroad grade crossing.

(b) As used in this SECTION, "department" means the Indiana department of transportation.

(c) The department shall adopt rules under IC 4-22-2 before July 1, 1997, specifying criteria for the department to use in determining whether to authorize opening a new crossing or authorize abolishing a crossing.

(d) The department, in developing the specific criteria described in subsection (c), shall consider the following:

(1) Timetable speed of passenger trains operated through crossings.

(2) Distances to alternate crossings.

(3) Accident histories of crossings for the five (5) years preceding 1996.

(4) Amount of vehicular traffic and posted speed limits for crossings.

(5) Amount of freight trains and their timetable speeds operating through crossings.

(6) Type of warning devices present at crossings.

(7) Alignments of the roadway and the railroad, and the appropriate angles of intersection of alignments for different types of crossings.

(8) Use of crossings by:

- (A) trucks carrying hazardous materials;
- (B) vehicles carrying passengers for hire;
- (C) school buses; and
- (D) emergency vehicles.

- (9) Other appropriate criteria as determined by the department.
- (e) This SECTION expires July 1, 1997.

1996-81-14

SECTION 14. (a) The Indiana department of transportation shall adopt rules under IC 4-22-2 incorporating the provisions described in 23 CFR 655.601(a) into the Indiana manual on uniform traffic control devices.

(b) The rules adopted by the Indiana department of transportation under this SECTION shall be effective July 1, 1997.

(c) This SECTION expires July 1, 1997.

1996-83-3

SECTION 3. (a) Projects initially funded under IC 8-15-2-1(a)(3) and IC 8-15-2-1(a)(4) after December 31, 1996, must be selected under the written procedures developed under IC 8-15-2-1.3, as added by this act.

(b) The Indiana transportation finance authority shall submit a report to the commission on state tax and financing policy before November 1, 1996, that describes the written procedures developed under IC 8-15-2-1.3, as added by this act.

1996-91-9

SECTION 9. (a) On December 31, 1996, the treasurer of state shall transfer the remaining balance of the child abuse prevention fund established by IC 12-18-1-2 to the Indiana children's trust fund established by IC 12-17-16-12.

(b) This SECTION expires July 1, 1997.

1996-99-3

SECTION 3. IC 9-30-2-4 and IC 9-30-2-5, both as amended by this act, apply to arrests made after June 30, 1996.

1996-105-5

SECTION 5. (a) Notwithstanding IC 12-13-14.5, as added by this act, the division of family and children must submit the first report required under IC 12-13-14.5, as added by this act, not later than November 30, 1996.

(b) This SECTION expires July 1, 1997.

1996-106-3

SECTION 3. 470 IAC 3-1.1-24(a) and 470 IAC 3-1.1-24(b) are void. The publisher of the Indiana Administrative Code and Indiana Register shall remove these subsections from the Indiana Administrative Code.

1996-107-14

SECTION 14. (a) As used in this SECTION, "committee" refers to the select joint committee to investigate Medicaid reimbursement established by this SECTION.

(b) The select joint committee to investigate Medicaid reimbursement is established.

(c) The committee consists of twelve (12) voting members as appointed by the chairman and vice chairman of the legislative council under legislative council resolution 18-1995.

(d) A vacancy on the committee shall be filled by the appointing authority.

(e) The chairman and vice chairman of the committee are the chairman and vice chairman of the committee appointed by the chairman and vice chairman of the legislative council under legislative council resolution 18-1995.

(f) The committee shall study and investigate the following:

(1) Whether the contractor of the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of its contract with the state of Indiana.

(2) Legislative and administrative procedures that are needed to eliminate Medicaid claims reimbursement backlogs, delays, and errors.

(3) Any other matter related to Medicaid reimbursement and processing of provider claims for payment.

(g) The committee is under the jurisdiction of the legislative council. The legislative services agency shall provide staff support to the committee.

(h) Unless specifically authorized by the legislative council, the chairman may not create subcommittees.

(i) The committee may not recommend proposed legislation to the general assembly unless the proposed legislation has been approved by a majority of the voting members appointed to serve on the committee. All votes taken by the committee must be:

(1) by roll call vote; and

(2) recorded.

(j) This SECTION expires June 30, 1997.

1996-107-15

SECTION 15. (a) As used in this SECTION, "case mix reimbursement system" refers to the case mix reimbursement system designed for Indiana Medicaid certified nursing facilities developed by the office.

(b) As used in this SECTION, "committee" refers to the select joint committee to investigate Medicaid reimbursement established by this act.

(c) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(d) The committee shall request resources from the legislative council to retain an independent contractor to audit the development of the case mix reimbursement system. The independent contractor must be approved by both:

- (1) a representative of the long term care industry; and
- (2) the governor.

(e) The committee shall retain the independent contractor under subsection (d) not later than June 1, 1996. If the parties listed in subsection (d) cannot agree on an independent contractor by June 1, 1996, the legislative council shall retain the independent contractor not later than July 1, 1996.

(f) The independent contractor retained under this SECTION shall do the following:

- (1) Audit the ongoing development of the case mix reimbursement system.
- (2) Report in writing not later than the first day of each month to the committee and the budget committee describing progress in the development of the case mix reimbursement system.

(g) The office must calculate and publish reimbursement rates for each Medicaid certified nursing facility under:

- (1) the case mix reimbursement system; and
- (2) 405 IAC 1-14.1;

and provide that information to the committee and the budget committee not later than November 1, 1996 and December 1, 1996.

(h) Based on:

- (1) reports provided by the independent contractor retained under this SECTION; and
- (2) other relevant information;

the committee and the budget committee must, not later than December 10, 1996, determine whether to deny implementation of the case mix reimbursement system described under this SECTION. Except as provided in subsection (i), the committee and the budget committee may only take one (1) vote under this subsection. If either the committee or the budget committee votes to deny implementation of the case mix reimbursement system, the office shall not implement the case mix reimbursement system.

(i) If a vote by the committee under subsection (h) ends in a tie, the committee may continue to vote under subsection (h) until May 1, 1997. If:

- (1) the committee cannot break the tie before May 1, 1997; and
- (2) the general assembly does not pass legislation during the 1997 session to deny implementation of the case mix reimbursement system;

the office may implement the case mix reimbursement system.

(j) This SECTION expires June 30, 1997.

1996-107-16

SECTION 16. (a) This SECTION does not apply to a contract for data management or data analysis of claims between the office of Medicaid policy and planning and a contractor under IC 12-15-30.

(b) Except as provided in subsection (c), and notwithstanding IC 12-15-30-4, if the office of Medicaid policy and planning:

- (1) extends;
- (2) renegotiates; or
- (3) rebids;

a contract for processing provider claims for payment, the contract must expire not later than December 31, 1997.

(c) If the office of Medicaid policy and planning determines that its authority under subsection (b) is not sufficient to protect the best interests of the state, the office of Medicaid policy and planning may, with the approval of the:

- (1) select joint committee to investigate Medicaid reimbursement established under this act; and
- (2) budget committee established by IC 4-12-1-3;

rebid a contract for processing provider claims for payment that expires after December 31, 1997.

(d) If the office of Medicaid policy and planning extends, reauthorizes, or renegotiates its contract for processing provider claims for payment before January 1, 1998, the office of Medicaid policy and planning shall submit the contract to the:

- (1) select joint committee to investigate Medicaid reimbursement established under this act; and
- (2) budget committee established by IC 4-12-1-3;

for review before signing the contract or any documents related to the contract.

(e) This SECTION expires January 1, 1998.

1996-107-17

SECTION 17. (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning under IC 12-15.

(b) Not later than December 1, 1996, the office shall submit a full report regarding the problems associated with processing provider claims for payment under the Medicaid program during the period from January 1, 1995, to November 1, 1996, to:

- (1) the legislative council;
- (2) the select joint committee to investigate Medicaid reimbursement established under this act;
- (3) the governor; and
- (4) the governor-elect.

(c) Before February 1, 1997, the select joint committee to investigate Medicaid reimbursement established under this act shall recommend to the general assembly whether to require the office to:

- (1) rebid;
- (2) renegotiate; or
- (3) take no particular action on;

the contract for processing provider claims for payment.

(d) This SECTION expires February 2, 1997.

1996-107-18

SECTION 18. (a) IC 12-15-13-1, as amended by this act, and IC 12-15-13-1.5, as added by this act, apply to provider claims for payment under the Medicaid program under IC 12-15 after March 31, 1996.

(b) This SECTION expires January 1, 1997.

1996-107-19

SECTION 19. (a) If the state department of health and the office of Medicaid policy and planning implement a demonstration project under IC 12-15-37, the demonstration project must include as participants for each year of its operation not more than one thousand (1,000) Medicaid recipients who:

- (1) reside in a county with a consolidated city; and
- (2) are eligible for and participate in the:
 - (A) risk based managed care program; or
 - (B) primary care case management program;

of the Hoosier healthwise initiative of the office of Medicaid policy and planning.

(b) This SECTION expires January 1, 1999.

1996-107-20

SECTION 20. (a) The provisions of IC 12-15-35 shall be in effect under the new federal program that replaces or modifies the current Medicaid (Title XIX) programs of the federal Social Security Act.

(b) This SECTION expires June 30, 1997.

1996-107-21

SECTION 21. (a) As used in this SECTION, "committee" refers to the preadmission screening study committee.

(b) As used in this SECTION, "preadmission screening program" refers to the program established in IC 12-10-12.

(c) The preadmission screening study committee is established.

(d) The committee shall study the following:

- (1) The efficiency, effectiveness, and necessity for the preadmission screening program.
- (2) The development of interagency agreements between Indiana and other states regarding payments to providers in Indiana for Medicaid services provided to individuals who do not reside in Indiana.

(e) The committee consists of eight (8) members of the general assembly, appointed in the following manner:

- (1) Four (4) members of the house of representatives, appointed by the speaker of the house of representatives, with the advice of the minority leader of the house of representatives, not more than two (2) of whom are of the same political party.
- (2) Four (4) members of the senate, appointed by the president pro tempore of the senate, with the advice of the minority leader of the senate, not more than two (2) of whom are of the same political party.

(f) The chairman of the legislative council shall appoint one (1) of the members named in subsection (e) to serve as chairman of the committee. The vice chairman of the legislative council shall appoint one (1) of the members named in subsection (e) to serve as vice chairman of the committee.

(g) The members serve at the appointing authority's will. A vacancy on the committee shall be filled by the appointing authority who appointed the vacating member.

(h) The committee is under the jurisdiction of the legislative

council and shall operate under the policies and procedures established by the legislative council for interim study committees.

(i) The committee shall meet during the interim between adjournment of the 1996 regular session and November 1, 1996, upon the call of the chairman. The committee shall issue a report to the legislative council, stating the committee's findings, conclusions, and recommendations, not later than November 1, 1996.

(j) This SECTION expires January 1, 1997.

1996-112-2

SECTION 2. (a) Notwithstanding P.L.340-1995, any part of an appropriation made by the general assembly under P.L.340-1995 to the family subsidy program must be transferred to the family subsidy program account established by IC 12-11-12-3, as added by this act.

(b) This SECTION expires July 2, 1997.

1996-116-7

SECTION 7. (a) Any order imposing a duty of support, previously issued under the authority of IC 31-2-1-31 (repealed by this act) by a responding Indiana court, pursuant to the certification by the court of an initiating Indiana county, shall remain in effect and is governed by the provisions of IC 31-2-1 (repealed by this act) that were in effect on the date the order was issued until:

- (1) the duty of support ceases and no child support arrearage exists;
- (2) the cause of action is dismissed; or
- (3) the order of the Indiana court of original jurisdiction is modified, after which time the modified order may be enforced only in accordance with IC 31-1-11.5-13.5, as added by this act, or IC 31-6-6.1-16.5, as added by this act.

(b) This SECTION expires January 1, 2000.

1996-116-8

SECTION 8. (a) Any order imposing a duty of support, previously issued under the authority of IC 31-2-1-23 (repealed by this act), by a responding Indiana court, pursuant to the certification by the court of an initiating foreign state, shall remain in effect and is governed by the provisions of IC 31-2-1 (repealed by this act) that were in effect on the date the order was issued until:

- (1) the duty of support ceases and no support arrearage exists; or
- (2) the cause of action is dismissed.

However, nothing in this SECTION may be construed to prevent a petitioner from using IC 31-1.5, as added by this act, to enforce or modify an existing support order.

(b) This SECTION expires January 1, 2000.

1996-117-5

SECTION 5. (a) Notwithstanding IC 33-19-7-1, as amended by P.L.61-1995, SECTION 7, the clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy percent (70%) of the amount of fees collected

under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (children in need of services, paternity, and adoption fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(7), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(9).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(10) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(7), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) Notwithstanding IC 33-19-7-1, as amended by P.L.61-1995, SECTION 7, the clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8) for deposit into the county child advocacy fund established under IC 12-17-17, as added by this act.

(e) This SECTION expires July 1, 1997.

1996-119-28

SECTION 28. (a) As soon as possible after the effective date of this SECTION, the state board of tax commissioners shall adjust the property tax levies first due and collectible in 1996 for each school corporation affected by this act to reflect the changes made by this act. The state board of tax commissioners shall provide notice to the county

auditor and each school corporation affected by this SECTION. The tax levies as adjusted under this SECTION are the tax levies that are due and collectible in 1996.

(b) As soon as possible after the passage of this act, the department of education shall adjust the state distributions that school corporations are eligible to receive in 1996 to reflect the changes made by this act. However, if a school corporation has received before the effective date of this act more money than the school corporation is eligible to receive after the passage of this act, the department of education may deduct the overage from one (1) or more payments, as determined in the discretion of the department of education, due to the school corporation in 1996.

(c) Notwithstanding IC 4-22-2, the Indiana state board of education may adopt interim guidelines to carry out IC 20, as amended by this act. An interim guideline adopted under this subsection expires on the earlier of the following:

- (1) The date that another interim guideline or a permanent rule adopted under IC 4-22-2 replaces the interim guideline.
- (2) July 1, 1997.
- (d) This SECTION expires January 1, 1998.

1996-123-19

SECTION 19. (a) The solid waste management board shall adopt rules to implement IC 13-7-23.2-9.3 and IC 13-7-23.2-9.5, both as amended by this act, or, after June 30, 1996, IC 13-20-14-1, as amended by this act, and IC 13-20-14-1.5, as added by this act, before January 1, 1998.

(b) This SECTION expires January 2, 1998.

1996-123-20

SECTION 20. (a) Before October 1, 1996, the department of environmental management shall:

- (1) evaluate the appropriateness of the time period specified in 326 IAC 6-4-2(3) concerning fugitive dust; and
- (2) report the department's findings to the air pollution control board at a public meeting of the board.

(b) Before January 1, 1997, the department shall initiate the rulemaking process to revise or reaffirm 326 IAC 6-4-2(3).

(c) This SECTION expires July 1, 1997.

1996-123-21

SECTION 21. Before July 1, 1997, the department shall streamline the approval of public water supply plans for public water supply facility projects that are less than two thousand five hundred (2,500) feet in length.

1996-123-22

SECTION 22. Before October 2, 1996, the water pollution control board shall propose draft rules to amend 327 IAC 3-2 concerning state permits for construction of water pollution treatment/control facilities to remove or streamline the permitting requirements for the

modification of a water pollution treatment/control facility if the modification does not result in:

- (1) an increase in pollutant discharge; or
- (2) a change in the type of pollutant discharged.

1996-123-23

SECTION 23. (a) The department of environmental management shall develop a task force that includes representatives of special waste generators, representatives knowledgeable in proposed uses, and other interested parties to make recommendations to the solid waste management board concerning rules on the use of foundry sand and slag from foundries that are classified under 329 IAC 2-9 and used for resource conservation purposes without a permit. The uses may include the following:

- (1) Daily cover for litter and vermin control at a sanitary landfill in accordance with the sanitary landfill permit.
- (2) Road ballast, or fill material on a road construction, if the material is not used for land reclamation.
- (3) Construction or architectural fill.
- (4) Fill base for roads, road shoulders, parking lots, and other similar uses.
- (5) Raw material constituent for flowable fill, concrete, asphalt, brick, block, or other similar use.

(b) Before July 1, 1997, the task force shall submit a report to the environmental quality service council and the legislative council that describes the task force's findings and recommendations.

(c) This SECTION expires July 2, 1997.

1996-127-2

SECTION 2. (a) Before January 1, 1997, the department of environmental management shall satisfy the requirements of IC 13-14-1-11.5, as added by this act, for each policy or statement that:

- (1) was adopted by the department before July 1, 1996;
- (2) interprets, supplements, or implements a statute or rule;
- (3) was not adopted in compliance with IC 4-22-2;
- (4) is not intended by the department to have the effect of law; and
- (5) is not related solely to internal department organization.

(b) Notwithstanding IC 13-14-1-11.5, as added by this act, a policy or statement described in this SECTION:

- (1) remains in effect; and
- (2) need not be distributed as described in IC 13-14-1-11.5(b), if the policy or statement has been previously distributed under IC 4-22-7-7.

(c) This SECTION expires January 2, 1997.

1996-130-9

SECTION 9. (a) The water pollution control board shall adopt rules before November 1, 1997, providing that if:

- (1) a person submits plans to a unit concerning the design or construction of a sanitary sewer or public water main;

- (2) a professional engineer who is registered under IC 25-31 prepared the plans;
- (3) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
- (4) all other requirements specified in rules adopted by the water pollution control board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

(b) This SECTION expires July 1, 1998.

1996-130-10

SECTION 10. (a) As used in this SECTION, "small business" means a business that has not more than one hundred (100) employees.

(b) The department of environmental management shall establish a pilot small business permit assistance program to identify an industry sector and provide a multimedia permitting assistance center to assist small businesses in that sector.

(c) If:

- (1) a small business in the industry sector identified under subsection (b) seeks assistance from the program, in writing, regarding the requirement to obtain a permit;
- (2) the small business provides a complete description of the small business's proposed business or activity; and
- (3) the department of environmental management does not provide the necessary information to the small business within a reasonable period;

the department of environmental management may not take an enforcement action against the small business for failure to obtain a permit unless the permit is issued under a federally delegated or approved program or the activity, business, or facility was fully or partially operating, constructed, or otherwise started at the time the small business requested assistance under this SECTION.

(d) Before July 1, 1999, the department of environmental management shall submit a report to the legislative council on the feasibility of a small business multimedia permitting center within the department.

(e) This SECTION expires July 1, 1999.

1996-130-11

SECTION 11. (a) Before October 1, 1996, the department of environmental management shall:

- (1) evaluate all environmental permit programs to determine if:
 - (A) construction activities, under certain circumstances, may begin before a final construction permit decision is issued by the department; or
 - (B) general permits or permits by rule may be established as an alternative to construction permits; and
- (2) prepare and submit a report to the legislative council that contains:
 - (A) a summary of the department's evaluation;
 - (B) department recommendations; and

(C) a description of the impact of the procedures under this subsection on public participation in the permitting process.

(b) If the department of environmental management does not recommend interim permits, general permits, or permits by rule for a particular permit requirement in the report prepared under subsection (a), the department shall make recommendations in the report that concern streamlining the permit review process.

(c) This SECTION expires October 1, 1996.

1996-130-12

SECTION 12. (a) This SECTION does not apply to a combustion source implementing non-fossil fuel changes, a source engaging in contaminated soil processing, or sources otherwise subject to case-by-case control technology determinations for hazardous air pollutant emissions under 326 IAC 2.

(b) "Department" refers to the department of environmental management.

(c) "Source" has the meaning set forth in 326 IAC 1-2-73.

(d) Unless required by federal law to obtain a federal construction or operating permit, a modification of an existing source that has been previously approved under 326 IAC 2 that is listed in subsection (e) is not required to obtain a construction or an operating permit under 326 IAC 2-1-1(b)(1)(A) or 326 IAC 2-1-1(b)(1)(G) or a registration under 326 IAC 2-1-1(b)(2).

(e) The following are exempt from permit and registration requirements under subsection (d):

(1) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process. However, the exemption does not apply if:

(A) the modification results in the replacement or repair of an entire process;

(B) the modification qualifies as a reconstruction of an entire process; or

(C) the modification may result in an increase of regulated air pollutants.

(2) A modification of an existing source that:

(A) is regulated by a New Source Performance Standard or a National Emission Standard for Hazardous Air Pollutants; and

(B) emits a pollutant for which the New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants is the most stringent standard applicable.

(3) A modified source or modification of an existing source from which allowable emissions do not exceed registration or construction permitting thresholds specified in 326 IAC 2 as a result of complying with at least one (1) of the following physical or operational constraints:

(A) Limiting total annual solvent usage or maximum volatile organic compound (VOC) content, or both.

(B) Limiting annual hours of operation of the process or

business.

(C) For a particulate matter control device:

- (i) achieving and maintaining ninety-nine percent (99%) efficiency; and
- (ii) complying with a zero percent (0%) opacity standard.

In addition, the source must certify to the department that the control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions below construction permitting thresholds specified in 326 IAC 2.

(D) Limiting individual total annual fuel usage and fuel type for a combustion source.

(E) Limiting raw material throughput or sulfur content of raw materials, or both.

(4) A modification of an existing source that is regulated by a source specific operation agreement, if:

(A) all emissions of regulated air pollutants from the source or modification that exceed registration or construction permitting thresholds specified in 326 IAC 2 are regulated by an existing source specific operation agreement under rules adopted by the air pollution control board;

(B) all emissions of regulated air pollutants from the source or modification that exceed registration or construction permitting thresholds specified in 326 IAC 2 are regulated by a general permit under rules adopted by the air pollution control board; or

(C) all emissions of regulated air pollutants from the source or modification that exceed registration or construction permitting thresholds specified in 326 IAC 2 are regulated by a permit by rule under rules adopted by the air pollution control board.

(5) A modification of an existing source possessing an effective registration, an operation permit, a construction permit, or another previously issued state approval under 326 IAC 2, if:

(A) all emissions of regulated air pollutants from the modification that exceed state registration or construction permitting thresholds specified in 326 IAC 2 are regulated by a source specific operation agreement or general permit under rules adopted by the air pollution control board; and

(B) federal permitting requirements do not apply to the modification.

(6) A modification of an existing source that consists of any stationary source whose primary purpose is to conduct research and development into new processes and products, provided the modification:

(A) is operated under the close supervision of technically trained personnel;

(B) is not engaged in the manufacture of products for commercial sale in commerce, except in a de minimis manner; and

(C) has less than twenty-five (25) tons per year of the actual emissions of any one (1) regulated air pollutant and less than ten (10) tons per year of the actual emissions of any hazardous air pollutant.

(7) A modification of an existing source that consists of insignificant activities (as defined in 326 IAC 2-7-1).

(8) A commercial gasoline station and commercial dry cleaner, unless actual emissions of regulated air pollutants from the source exceed one hundred (100) tons per year.

(f) A modification of an existing source described in subsection (e)(1) through (e)(5) must:

(1) submit an exemption qualification application on a form provided by the department;

(2) if applicable, submit acknowledgment of the requirement to comply with the New Source Performance Standard, National Emission Standards for Hazardous Air Pollutants, a physical or an operational constraint under subsection (e)(3), a source specific operation agreement, a general permit, or a permit by rule on a form provided by the department;

(3) maintain records for three (3) years that are adequate to demonstrate compliance with all applicable requirements;

(4) notify the department not later than fifteen (15) days after the modification of the existing source; and

(5) not later than ten (10) days after the exemption qualification application is submitted to the department, publish, in a newspaper of general circulation in each county affected by the application, information regarding the application. The information to be published must be determined by the department. The applicant must pay the costs of complying with this subdivision.

(g) A source described in subsection (e)(3) must certify:

(1) compliance with physical and operational constraints described in subsection (e)(3); and

(2) that all emissions of regulated air pollutants are below construction permitting thresholds specified in 326 IAC 2.

(h) The department shall determine not later than twenty-one (21) days after the receipt of an exemption qualification application whether the source qualifies for the exemption. A source may begin operation only after approval by the department of the exemption qualification. The approval or denial is a final agency action under IC 4-21.5-3, and notice must be provided under IC 4-21.5.

(i) If the department determines that a source or modification does not qualify for the exemption provided by this SECTION, the department may require the source to submit the appropriate application under 326 IAC 2.

(j) A source or modification subject to this SECTION must comply with any directly applicable federal requirements and rules under 326 IAC 2-7, 326 IAC 2-8, and 326 IAC 2-9 that are applicable to the Title V operating permit program.

(k) The air pollution control board shall adopt rules under IC 4-22-2 and IC 13-7-7.1 (or IC 13-14-9 after June 30, 1996), to carry

out the intent of this SECTION.

(l) This SECTION expires July 1, 1997.

1996-135-9

SECTION 9. The requirement imposed by IC 14-21-1-18(e), as added by this act, to review a proposed project and submit an advisory report before the alteration or demolition of a site or structure applies to state university projects that are initially submitted to the Indiana commission for higher education after completion of the survey required by IC 14-21-1-18, as amended by this act. The survey is to be completed not later than July 1, 1996.

1996-135-10

SECTION 10. The commission for higher education shall study and report to the general assembly not later than January 1, 1997, the feasibility of giving preference to funding requests for rehabilitation and restoration of historic structures over requests to transfer, alter, demolish, or remove such structures.

1996-136-2

SECTION 2. (a) Notwithstanding IC 14-22-14-10, the fee for the renewal of a commercial fishing license for 1996, 1997, or 1998 is as follows:

- (1) For a Class 1 license, one thousand dollars (\$1,000).
- (2) For a Class 2 license, two thousand dollars (\$2,000).
- (3) For a Class 3 license, three thousand dollars (\$3,000).

(b) If the holder of a commercial fishing license paid a fee for the renewal of the license for 1996 in an amount set forth in IC 14-22-14-10, the department of natural resources shall refund to the license holder the difference between:

- (1) the amount of the fee paid by the license holder for the renewal of license for 1996; and
- (2) the amount of the license renewal fee that applies to the license holder under subsection (a) of this SECTION.

(c) This SECTION expires January 1, 1999.

1996-136-3

SECTION 3. (a) Subject to IC 13-17-9-3 and notwithstanding 326 IAC 4, a unit of local government may allow open burning of leaves at a residence that is located in both an unincorporated area and an ozone nonattainment area (as defined in 326 IAC 1-4), if:

- (1) the burning occurs between October 1 and December 31;
- (2) the burning occurs in a noncombustible container that is sufficiently vented to induce adequate primary air combustion and has enclosed sides, a bottom, and a mesh covering; and
- (3) yard waste or leaf pick-up is not available at the residence.

(b) This SECTION expires January 1, 1998.

1996-137-76

SECTION 76. (a) Rules adopted by the state department of health before July 1, 1996, under IC 16-42-12 (before its repeal on July 1,

1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are considered rules of the Indiana state board of animal health after June 30, 1996.

(b) On July 1, 1996, all records, powers, duties, and liabilities of the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under IC 15-2.1-22, as added by this act, IC 15-2.1-23, as added by this act, and IC 15-2.1-24, as added by this act.

(c) All:

(1) matters pending before; and

(2) judgments entered by;

the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under IC 15-2.1-22, as added by this act, IC 15-2.1-23, as added by this act, and IC 15-2.1-24, as added by this act.

1996-138-16

SECTION 16. (a) The state chemist shall establish a task force consisting of volunteer representatives of the state chemist's office, the fertilizer industry, and other agriculturally related industries.

(b) The task force shall study, consider, and recommend:

(1) improvements to the bulk fertilizer storage and containment rules set forth in 355 IAC 2-2 through 355 IAC 2-9; and

(2) whether an Indiana fertilizer review board should be established to:

(A) make policy or regulatory recommendations; and

(B) evaluate new or alternative methods or technologies for bulk fertilizer storage or containment.

(c) If the establishment of an Indiana fertilizer review board is recommended under subsection (b), the board may consist of representatives of the state chemist's office, the fertilizer industry, and other agriculturally related industries.

(d) The task force shall provide a report of its recommendations to the state chemist and the general assembly before November 1, 1996.

(e) This SECTION expires December 31, 1996.

1996-139-14

SECTION 14. (a) The state chemist shall establish a task force consisting of volunteer representatives of the state chemist's office, the fertilizer industry, and other agriculturally related industries.

(b) The task force shall study, consider, and recommend:

(1) improvements to the bulk fertilizer storage and containment rules set forth in 355 IAC 2-2 through 355 IAC 2-9; and

(2) whether an Indiana fertilizer review board should be established to:

(A) make policy or regulatory recommendations; and

(B) evaluate new or alternative methods or technologies for

bulk fertilizer storage or containment.

(c) If the establishment of an Indiana fertilizer review board is recommended under subsection (b), the board may consist of representatives of the state chemist's office, the fertilizer industry, and other agriculturally related industries.

(d) The task force shall provide a report of its recommendations to the state chemist and the general assembly before November 1, 1996.

(e) This SECTION expires December 31, 1996.

1996-145-4

SECTION 4. (a) The mental health practice study committee (referred to as the "committee" in this SECTION) is established.

(b) The committee shall study informed consent for mental health services, the definition of mental health services, mental health scopes of practice, enforcement of mental health scopes of practice, and any other related area as determined by the chairman of the committee.

(c) The committee shall operate under the authority and rules of the legislative council. The committee shall report its findings, conclusions, and recommendations to the legislative council not later than October 1, 1996.

(d) The committee consists of eight (8) members of the general assembly. The speaker of the house of representatives shall appoint four (4) representatives, not more than two (2) of whom may be from the same political party. The president pro tempore of the senate shall appoint four (4) senators, not more than two (2) of whom may be from the same political party. The chairman of the legislative council shall appoint the chairman and vice chairman of the committee.

(e) The committee shall meet on the call of the chairman. The affirmative votes of a majority of the members appointed to the committee are required for the committee to take final action.

(f) The legislative services agency shall provide staff support for the committee.

(g) This SECTION expires November 1, 1996.

1996-147-8

SECTION 8. (a) As used in this SECTION, "health facility" has the meaning set forth in IC 16-18-2-167.

(b) As used in this SECTION, "hospital based health facility" has the meaning set forth in IC 16-18-2-180.

(c) As used in this SECTION, "nurse aide" has the meaning set forth in IC 16-28-13-1.

(d) As used in this SECTION, "other unlicensed employee" has the meaning set forth in IC 16-28-13-2.

(e) Notwithstanding IC 16-28-13 before its amendment by this act, the following are considered to be in compliance with IC 16-28-13:

(1) A health facility or hospital based health facility that used the services of a nurse aide or other unlicensed employee:

(A) who was employed by an entity in the business of contracting to provide nurse aides or other unlicensed employees to health facilities and hospital based health facilities; and

(B) before the effective date of this SECTION.

(2) An entity:

(A) in the business of contracting to provide nurse aides or other unlicensed employees for a health facility or hospital based health facility; and

(B) that provided a nurse aide or other unlicensed employee to a health facility or hospital based health facility before the effective date of this SECTION.

(f) This SECTION expires July 1, 2001.

1996-148-3

SECTION 3. (a) Before July 1, 1996, the state department shall prescribe a form for local health officers to use under IC 16-37-1-5, as amended by this act.

(b) This SECTION expires January 1, 1997.

1996-151-6

SECTION 6. (a) As used in this SECTION, "alternative program" has the meaning set forth in IC 20-10.1-4.6-1.

(b) As used in this SECTION, "department" refers to the department of education established by IC 20-1-1.1-2.

(c) The department shall do the following:

(1) Conduct a study of effective school alternative programs in operation in Indiana and in other states.

(2) Evaluate teaching practices to determine which teaching practices are most effective with all learners, including disruptive students.

(d) The department shall report findings under subsection (c) to the school alternative program study committee established by SECTION 5 of this act, by October 1, 1996.

(e) The department shall pay any expenses for implementing this SECTION from funds appropriated to the department for research and development.

(f) This SECTION expires December 31, 1996.

1996-151-7

SECTION 7. (a) Notwithstanding IC 34-4-16.5-3, a governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-8.1-5.1-7(b).

(b) This SECTION expires July 1, 1996.

1996-152-9

SECTION 9. (a) Before July 1, 1996, the department of education shall:

(1) review the level of staffing in and the organization of the department; and

(2) terminate the use of any appropriated funds for the approval or disapproval of plans and specifications for the construction,

alteration, or repair of school buildings, including the acquisition of land, except as specifically authorized by statute.

(b) This SECTION expires July 2, 1996.

1996-153-5

SECTION 5. (a) Subsection (b)(2) does not apply to a school psychologist who:

(1) is retired from full-time or part-time employment as a school psychologist; or

(2) has a:

(A) medical condition; or

(B) physical disability;

that restricts the mobility required for employment in a school setting.

(b) Notwithstanding IC 20-1-1.9-4, as added by this act, the professional standards board under IC 20-1-1.9 shall exempt an individual from the endorsement requirements of IC 20-1-1.9-4 if the individual meets all of the following criteria:

(1) Is licensed on or before June 30, 1996, as a school psychologist by the professional standards board established by IC 20-1-1.4-2.

(2) Is employed by a:

(A) developmental center;

(B) state hospital;

(C) public or private hospital;

(D) mental health center;

(E) rehabilitation center;

(F) private school; or

(G) public school;

at least thirty (30) hours per week during the contract period.

(3) Furnishes satisfactory evidence to the professional standards board that the applicant has received at least sixty (60) semester hours of graduate level course work in a school psychology program.

(4) Furnishes satisfactory evidence to the professional standards board that the applicant has at least one thousand (1,000) supervised hours of school psychology.

(5) Furnishes satisfactory evidence to the professional standards board that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(6) Furnishes satisfactory evidence to the professional standards board that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of another jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(7) Has at least five (5) years of experience as a school psychologist within the ten (10) years preceding the date of application.

(c) A school psychologist who is not excused from employment as described in subsection (a) or who is not employed as described in

subsection (b)(2) shall not provide services on a private basis to a person unless the school psychologist receives a referral from one (1) of the following:

- (1) A developmental center.
- (2) A public school or private school.
- (3) A physician licensed under IC 25-22.5.
- (4) A health service professional in psychology licensed under IC 25-33-1.

(d) An individual seeking an exemption under this section must apply to the professional standards board under IC 20-1-1.9, as added by this act, before July 1, 1998.

(e) This SECTION expires July 1, 1998.

1996-153-6

SECTION 6. (a) A person who:

- (1) on July 1, 1996, is employed by a school corporation as a school psychologist; and
 - (2) wishes to continue to serve as a school psychologist;
- must continue school employment and may not begin a full-time, independent practice until July 1, 1999.

(b) This SECTION expires July 1, 1999.

1996-161-4

SECTION 4. (a) As used in this SECTION, "board" refers to the board of certification for professional geologists established by IC 25-17.6-2, as added by this act.

(b) Notwithstanding IC 25-17.6-2-3, as added by this act, the initial members of the board shall include the following:

- (1) Three (3) certified professional geologists (as defined in IC 25-17.5-1, before its repeal).
- (2) The state geologist (as defined in IC 25-17.6-1-9).

(c) Notwithstanding IC 25-17.6-2-4, as added by this act, the initial terms of appointment to the board shall consist of the following:

- (1) One (1) member appointed for a term of one (1) year.
- (2) One (1) member appointed for a term of two (2) years.
- (3) One (1) member appointed for a term of three (3) years.
- (4) One (1) member appointed for a term of four (4) years.

The state geologist shall always be the fifth member of the board.

(d) The initial appointments to the board shall be made not later than October 1, 1997.

(e) Notwithstanding IC 25-17.6-4, as added by this act, the board shall waive the education and examination requirements for certification for a person who:

- (1) was certified under IC 25-17.5 before its repeal; and
- (2) is in good standing as a professional geologist.

(f) This SECTION expires January 1, 1999.

1996-163-2

SECTION 2. (a) Notwithstanding IC 20-12-73-11(a)(4), as added by this act, the governor shall appoint one (1) initial at-large member of the Midwestern Higher Education Commission for a term of two (2)

years and one (1) member for a term of four (4) years.

(b) This SECTION expires July 1, 2000.

1996-164-2

SECTION 2. All agreements that are:

(1) executed by or on behalf of school corporations or school townships before the effective date of this act; and

(2) for advances from the common school fund under IC 21-1-5; are validated and legalized.

1996-165-3

SECTION 3. (a) The treasurer of state, the board for depositories, the Indiana commission for higher education, and the state student assistance commission shall cooperate and provide to the Indiana education savings authority the following:

(1) Clerical and professional staff and related support.

(2) Office space and services.

(3) Reasonable financial support for the development of rules, policies, programs, and guidelines, including authority operations and travel.

(b) This SECTION expires July 1, 2000.

1996-165-4

SECTION 4. (a) Notwithstanding IC 21-9-4-1, as added by this act, the terms of the governor's initial appointments to the board of directors of the Indiana education savings authority are as follows:

(1) Two (2) members serve four (4) year terms.

(2) One (1) member serves a three (3) year term.

(3) One (1) member serves a two (2) year term.

(4) One (1) member serves a one (1) year term.

(b) When the governor makes the initial appointments to the board, the governor shall designate the length of the term of each member in accordance with subsection (a).

(c) The governor shall make the initial appointments of the board under IC 21-9-4, as added by this act, not later than July 1, 1996.

(d) This SECTION expires July 1, 2000.

1996-165-5

SECTION 5. (a) As used in this section, "board" refers to the board of directors of the Indiana education savings authority established under IC 21-9.

(b) Notwithstanding IC 21-9, as added by this act, before the board may implement an education savings program, the board must submit the proposed education savings programs to the budget committee for review and to the budget agency for approval.

(c) This SECTION expires July 1, 2000.

1996-169-4

SECTION 4. A hospital licensed under IC 12-25 or IC 16-21 or a health facility licensed under IC 16-28 that met the federal standards of certification for participation in a reimbursement program under:

(1) Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.); or

(2) Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.);

before the effective date of this SECTION complies with IC 22-11-17-2(a), as amended by this act.

1996-170-2

SECTION 2. A variance from a rule adopted by the board of firefighting personnel standards and education that was granted by the board before July 1, 1996, is valid.

1996-171-45

SECTION 45. (a) The definitions set forth in IC 28-2-17, as added by this act, apply to this SECTION.

(b) Before June 1, 1997, an interstate merger transaction involving an Indiana state bank may be consummated and any out-of-state bank resulting from the merger may operate a branch in Indiana, if the department first:

(1) finds that the laws of the home state of each out-of-state bank involved in the interstate merger transaction permit Indiana state banks, under substantially the same terms and conditions that are set forth in this chapter, to acquire banks and establish and maintain branches in that state by means of interstate merger transactions;

(2) concludes that the resulting out-of-state bank has complied with all applicable requirements of Indiana law and has agreed in writing to comply with the laws of this state applicable to its operation of branches in Indiana; and

(3) certifies to the federal bank supervisory agency having authority to approve the interstate merger transaction that the conditions and requirements of this chapter have been met.

(c) This SECTION expires June 1, 1997.

1996-171-46

SECTION 46. (a) The definitions set forth in IC 28-2-18, as added by this act, apply to this SECTION.

(b) It is the purpose of IC 28-2-18, as added by this act, to authorize the establishment of branches in Indiana by out-of-state banks. A branch that would be established before June 1, 1997, may not be authorized for a bank whose home state does not permit Indiana banks to establish branches in that state under substantially the same terms as set forth in IC 28-2-18.

(c) It is not the purpose of IC 28-2-18, as added by this act, to authorize branching in Indiana by out-of-state banks before June 1, 1997, on any basis other than as expressly provided in IC 28-2-18. Therefore, notwithstanding IC 28-2-18-30, as added by this act, if any provision of IC 28-2-18 is held to be invalid for any reason by a final order of any Indiana court or federal court with jurisdiction before June 1, 1997, the invalidity shall cause the entire IC 28-2-18 to be invalid under IC 1-1-1-8(b). However, any transaction that has been lawfully

consummated under IC 28-2-18 before the determination of invalidity shall be unaffected by the determination.

(d) This SECTION expires June 1, 1997.

1996-176-36

SECTION 36. The following are void: 750 IAC 2-5; 750 IAC 8-1-2; 750 IAC 8-1-1. The publisher of the Indiana Administrative Code and Indiana Register shall remove this rule and these sections from the Indiana Administrative Code.

1996-178-9

SECTION 9. (a) Notwithstanding IC 25-11-1-3, as amended by this act, and IC 25-11-1-5, as amended by this act, the secretary of state shall issue a one (1) year license to an applicant who is among the first one hundred seventy-five (175) qualified applicants granted an original or a renewal license under IC 25-11 to operate as a collection agency during 1997. The secretary of state shall issue a two (2) year license to the remaining applicants granted an original or a renewal license under IC 25-11 to operate as a collection agency during 1997.

(b) The fee for a one (1) year license issued under subsection (a) is fifty percent (50%) of the fee for a two (2) year license.

(c) If a one (1) year license issued under subsection (a) is renewed, the license shall be renewed as a two (2) year license.

(d) This SECTION expires January 1, 1998.

1996-185-19

SECTION 19. IC 27-9-3-40, as amended by this act, applies to and governs the priority of the distribution of assets in any proceeding to liquidate an insurer pending on, commenced on, or commenced after the effective date of IC 27-9-3-40, as amended by this act.

1996-187-2

SECTION 2. IC 27-2-19, as added by this act, applies only to claims made or a cause of action that arises after June 30, 1996.

1996-188-3

SECTION 3. (a) IC 27-8-24.3, as added by this act, applies only to an insurance policy or a health plan (as defined in IC 27-8-24.3-4, as added by this act) issued, renewed, or entered into after June 30, 1996.

1996-190-7

SECTION 7. (a) IC 27-8-5-2.6, as amended by this act, and IC 27-8-15-28, as amended by this act, apply to health insurance plans and accident and sickness insurance policies issued or renewed after June 30, 1996.

(b) This SECTION expires January 1, 1998.

1996-193-2

SECTION 2. (a) The commissioner of the department of insurance must:

(1) appoint the initial board of directors of the Indiana small

employer health reinsurance board; and
(2) determine the initial term for each member of the board of directors as set forth in subsection (b);
not later than September 1, 1996.

(b) Notwithstanding IC 27-8-15.5-7(c), as added by this act, the initial term for members of the Indiana small employer health reinsurance board established by IC 27-8-15.5-5, as added by this act, is as follows:

- (1) Four (4) of the members serve a term of two (2) years.
- (2) Three (3) of the members serve a term of three (3) years.
- (3) Three (3) of the members serve a term of four (4) years.
- (c) This SECTION expires July 1, 2002.

1996-203-10

SECTION 10. IC 35-50-2-11, as amended by this act, applies to offenses committed after June 30, 1996.

1996-205-6

SECTION 6. (a) The legislative council shall determine whether to establish an interim study committee to study matters related to parental rights.

(b) The committee, if established, shall be under the jurisdiction of the legislative council and shall operate under policies and procedures established by the legislative council.

(c) The committee, if established, may do the following:

- (1) Study issues of concern relating to laws on parental rights and make recommendations for their revision and improvement.
- (2) Review a parent's right to direct the upbringing of the parent's child including:
 - (A) directing or providing for the education of the child;
 - (B) making a health care decision for the child;
 - (C) disciplining the child, including reasonable corporal discipline; and
 - (D) directing or providing for the religious teaching of the child if desired by the parent.

(d) The legislative services agency shall provide staff support for the committee if the committee is established.

1996-215-7

SECTION 7. (a) Notwithstanding IC 33-5-38.3-2, as added by this act, the judge of the Putnam county court serving on June 30, 1996, is entitled to serve as the initial judge of the Putnam superior court for a term beginning July 1, 1996, and ending December 31, 1996.

(b) The initial election of a judge of the Putnam superior court is the general election to be held November 5, 1996. The person elected takes office January 1, 1997.

(c) This SECTION expires January 2, 1998.

1996-215-8

SECTION 8. (a) The county court for Putnam County is abolished as of July 1, 1996, and all matters pending in the Putnam county court

on June 30, 1996, shall be transferred to the Putnam superior court in accordance with the venue requirements prescribed under Rule 75 of the Indiana Rules of Trial Procedure.

(b) These matters have the same effect as if originally filed in or issued by the Putnam superior court.

(c) This SECTION expires July 2, 1996.

1996-216-27

SECTION 27. IC 35-42-4-3 and IC 35-42-4-9, both as amended by this act, apply to offenses committed after June 30, 1996.

1996-216-28

SECTION 28. (a) Notwithstanding IC 33-19-7-1, the clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under

IC 5-2-11.

(d) This SECTION expires June 30, 1997.

1996-216-29

SECTION 29. (a) Notwithstanding IC 33-19-7-4, the clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month, the city or town fiscal officer shall distribute to the county auditor as the county share IC 33-19-6-16 twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this

subsection into the county drug free community fund established under IC 5-2-11.

(f) This SECTION expires June 30, 1997.

1996-216-30

SECTION 30. (a) Notwithstanding IC 33-19-5-1, for each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) This SECTION expires June 30, 1997.

1996-228-2

SECTION 2. This act applies to crimes committed after June 30, 1996.

1996-231-4

SECTION 4. (a) This SECTION applies to:

- (1) a township having a population of more than three thousand twenty-five (3,025) but less than three thousand three hundred (3,300) located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or

(2) a township having a population of more than one thousand five hundred (1,500) but less than two thousand (2,000), located in a county having a population of more than thirty-six thousand seven hundred (36,700) but less than thirty-seven thousand five hundred (37,500).

(b) A township may appeal to the local government tax control board to adjust the township's 1997 maximum ad valorem property tax general fund and firefighting fund levies if the respective levy amounts do not accurately reflect the township's normal spending patterns. However, an adjustment under this SECTION may not result in an increase in the combined levy for the two (2) funds.

(c) This SECTION expires July 1, 1998.

1996-231-5

SECTION 5. (a) Notwithstanding IC 36-8-16-14, a county having a population of more than twenty-three thousand five hundred (23,500) but less than twenty-three thousand six hundred fifty (23,650) may, with the approval of the county council, use emergency telephone system fees collected under IC 36-8-16 to pay for the lease, purchase, installation, or maintenance of equipment considered necessary for the county to provide effective communication throughout the county among all emergency and law enforcement agencies.

(b) This SECTION expires January 1, 1998.

1996-236-8

SECTION 8. (a) As used in this SECTION, "board" refers to the board of trustees of the public employees' retirement fund.

(b) Before November 1, 1996, the board shall do the following:

(1) Effective January 1, 1997, remove police matrons described in IC 36-8-6-1(d), as amended by this act, and IC 38-8-8-1(3), as amended by this act, from membership in the public employees' retirement fund.

(2) For a police matron described in IC 36-8-8-1(3), as amended by this act, credit to the 1977 fund the amount of contributions that:

(A) the police matron has made to the public employees' retirement fund; and

(B) the employer of the police matron has made to the public employees' retirement fund on behalf of the police matron.

(c) If a police matron described in IC 36-8-6-1, as amended by this act, and IC 38-8-8-1(3), as amended by this act, becomes a participant in the 1925 police pension fund or the 1977 fund, credit for prior service before the date of participation or membership may be given by the board only if the following occur:

(1) the amount the police matron would have contributed if the police matron had been a member of the 1925 police pension fund or the 1977 fund, whichever is appropriate, during the police matron's prior service is:

(A) fully paid; and

(B) based on the police matron's actual salary earned during

that period.

However, the board may accept payment over a period not greater than five (5) years at a rate of interest determined by the board.

(2) If there is prior service in the 1977 fund, the unit contributes to the 1977 fund the amount necessary to fund prior service liability amortized over not more than ten (10) years.

(d) If a police matron becomes a participant in the 1925 police pension fund or the 1977 fund, the following provisions apply:

(1) A minimum benefit applies to a police matron who transfers to the 1925 police pension fund or the 1977 fund from the public employees' retirement fund. The minimum benefit, payable at fifty-five (55) years of age, for such a member equals the actuarial equivalent of the vested retirement benefit payable to the member upon normal retirement under IC 5-10.2-4-1 as of the day before the transfer, based solely on:

(A) creditable service; and

(B) the average of the annual compensation;

of the transferring member as of the day before the transfer.

(2) The board shall transfer from the public employees' retirement fund to the 1925 police pension fund or the 1977 fund, whichever is appropriate, the present value of the retirement benefits payable at sixty-five (65) years of age attributable to the transferring member.

(3) The amount the member and the unit must contribute to the 1925 police pension fund or the 1977 fund will be reduced by the amounts transferred to the 1925 police pension fund or the 1977 fund by the board under subdivision (2).

(4) Credit for prior service in the public employees' retirement fund of a member as a police matron is waived in the public employees' retirement fund. Any credit for that service under the 1925 police pension fund or the 1977 fund shall be given only in accordance with subsection (c).

(5) Credit for prior service in the public employees' retirement fund of a member, other than as a police matron, remains in the public employees' retirement fund and may not be credited under the 1925 police pension fund or the 1977 fund.

(e) A police matron described in IC 36-8-6-1, as amended by this act, and IC 38-8-8-1(3), as amended by this act, shall be treated as having been a member of the appropriate fund from the date of employment for all purposes, including the calculation of benefits and eligibility for benefits.

(f) This SECTION expires January 2, 1997.

1996-241-1

SECTION 1. (a) As used in this SECTION, "committee" refers to the select joint committee to investigate Medicaid reimbursement established by this SECTION.

(b) The select joint committee to investigate Medicaid reimbursement is established.

(c) The committee consists of twelve (12) voting members as

appointed by the chairman and vice chairman of the legislative council under legislative council resolution 18-1995.

(d) A vacancy on the committee shall be filled by the appointing authority.

(e) The chairman and vice chairman of the committee are the chairman and vice chairman of the committee appointed by the chairman and vice chairman of the legislative council under legislative council resolution 18-1995.

(f) The committee shall study and investigate the following:

(1) Whether the contractor of the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of its contract with the state of Indiana.

(2) Legislative and administrative procedures that are needed to eliminate Medicaid claims reimbursement backlogs, delays, and errors.

(3) Any other matter:

(A) related to Medicaid reimbursement and processing of provider claims for payment; or

(B) provided under law.

(g) The committee is under the jurisdiction of the legislative council. The legislative services agency shall provide staff support to the committee.

(h) Unless specifically authorized by the legislative council, the chairman may not create subcommittees.

(i) The committee may not recommend proposed legislation to the general assembly unless the proposed legislation has been approved by a majority of the voting members appointed to serve on the committee. All votes taken by the committee must be:

(1) by roll call vote; and

(2) recorded.

(j) This SECTION expires June 30, 1997.

1996-241-2

SECTION 2. (a) For money that the state receives from a federal block grant that replaces any part of a federal employment and training categorical grant, expenditures may not be made and money may not be allotted until the budget agency presents to the budget committee a plan for the allocation of federal employment and training block grant money that complies with federal and state law and the budget committee approves changes related to the federal employment and training block grant program and the proposed allocation of federal employment and training block grant money.

(b) This SECTION expires July 1, 1997.

1996-241-3

SECTION 3. (a) This SECTION applies only if the United States Congress enacts a Medigrant program.

(b) As used in this SECTION, "committee" refers to the select joint committee to investigate Medicaid reimbursement established under SECTION 1 of this act.

(c) As used in this SECTION, "Medigrant program" refers to a federal medical assistance program that:

- (1) replaces the current Medicaid program (Title XIX of the federal Social Security Act); or
- (2) alters the Indiana Medicaid program existing on the effective date of this act in at least two (2) of the following ways:
 - (A) Changes eligibility for Medicaid recipients.
 - (B) Changes the mandatory benefit package for Medicaid recipients.
 - (C) Alters any private right of action for recipients or providers.
 - (D) Gives states flexibility with respect to service delivery systems.
 - (E) Alters provider standards and reimbursement rules.
 - (F) Alters the rules with respect to provider taxes and donations.
 - (G) Changes the federal reimbursement allocation available to the state.

(d) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(e) The office may not, before April 30, 1997, submit or implement changes to the Medicaid state plan that are inconsistent with the provisions of Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.) in effect on December 31, 1995, except as necessary to comply with federal law or IC 12-15.

(f) Before the office submits to the Secretary of the United States Department of Health and Human Services a Medigrant state plan to qualify the state for participation in the Medigrant program, the office shall submit the proposed Medigrant state plan to the committee for review and comment. The committee shall provide written comments to the office regarding the proposed Medigrant state plan not more than sixty (60) days after receiving the proposed plan from the office under this subsection.

(g) The committee may only review the proposed Medigrant state plan under subsection (f) one (1) time.

(h) The office may not seek approval from the Secretary of the United States Department of Health and Human Services for the proposed Medigrant state plan as described in subsection (f) until the office receives written comments from the committee as described in subsection (f).

(i) The committee shall do the following:

- (1) Review federal legislation establishing the Medigrant program.
- (2) Make recommendations to the general assembly regarding the state's:
 - (A) implementation of; and
 - (B) participation in;the Medigrant program.

(j) The chairman of the committee shall determine when the committee must:

- (1) begin reviewing Medigrant legislation; and

(2) make recommendations to the general assembly as described in subsection (i).

(k) In order for the executive branch of the state government to make an election for the state under federal law regarding the:

(1) formula used by the federal government; or

(2) base year of state expenditures or any other period of time specified under federal law;

for purposes of calculating the amount of funds tendered by the federal government to the state for the state's Medigra program, the executive branch shall submit to the committee an explanation of the proposed election, and the committee not later than sixty (60) days after receiving the information, shall provide written recommendations to the executive branch regarding the proposed election.

(l) This SECTION expires July 1, 1997.

1996-241-4

SECTION 4. (a) For a federal block grant that replaces any part of the federal Aid to Families with Dependent Children program, the division of family and children under IC 12-13, in implementing the block grant, shall comply with P.L.46-1995 to the extent permitted under federal law and regulations.

(b) This SECTION expires July 1, 1997.

1996-242-1

SECTION 1. (a) As used in this SECTION, "gain sharing program" means a system designed to provide employee cash bonuses from monies saved through productivity improvements and innovations while maintaining or improving services.

(b) The state personnel department shall conduct a survey of gain sharing programs and file a report of the survey findings with the legislative council on or before December 1, 1996.

(c) The report required by this SECTION shall include a detailed analysis of the survey findings and an evaluation of the efficacy of establishing a gain sharing program for state employees.

(d) This SECTION expires December 2, 1996.

1996-243-1

SECTION 1. (a) Except as provided in subsection (b), the definitions in IC 5-15-5.1 apply to this SECTION.

(b) As used in this SECTION, "forms" means state forms completed by:

(1) the general public;

(2) a business; or

(3) a local unit of government.

(c) The commission on public records, in cooperation with agencies, shall coordinate a study of the state's forms and information required in the state's forms. The results of the study shall be submitted by the commission in a report to the legislative council and the legislative services agency not later than December 1, 1996.

(d) The results of the study must include a list, by agency, of:

(1) forms required to be completed;

- (2) the general category of persons or entities that are required to complete the forms; and
- (3) determinations concerning the extent to which an agency uses or refers to each form.
- (e) The following recommendations must be included in the commission's report that is submitted under subsection (c):
 - (1) Recommendations for eliminating or streamlining forms for ease of use by the public.
 - (2) Recommendations for the use of alternative methods for the agencies to gather information, particularly by electronic means.
 - (3) Recommendations for a way to standardize basic information that is required on most or all forms.
- (f) This SECTION expires January 1, 1997.

1996-244-1

SECTION 1. (a) The Indiana transportation finance authority established under IC 8-9.5-8-2 shall conduct a study under IC 8-15-2-20 of the need for and feasibility of constructing a new toll road along a corridor between an interchange on a toll road project in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) and an interchange on the interstate system encircling and located in a consolidated city. The authority shall report the results of the study to the legislative council before January 1, 1999.

(b) If the study under subsection (a) indicates that the proposed toll road referenced in subsection (a) would be toll feasible, the authority shall recommend to the commissioner of the Indiana department of transportation that the toll road project be initiated.

(c) This SECTION expires January 1, 1999.

1996-246-1

SECTION 1. (a) As used in this SECTION, "ICF/MR" means an intermediate care facility for the mentally retarded.

(b) As used in this SECTION, "waiver" means a Section 1915(c) waiver under the federal Home and Community-Based Services Program (42 U.S.C. 1396 et seq.).

(c) Before July 1, 1996, the office of Medicaid policy and planning shall apply to the United States Department of Health and Human Services for approval allowing Indiana to increase by a minimum of one hundred seventy-five (175) before December 31, 1996, the total number of waiver slots for individuals who are eligible for a waiver and who would otherwise require a level of care in an ICF/MR.

(d) The office of Medicaid policy and planning may not increase under this SECTION the number of slots under the waiver until the office of Medicaid policy and planning files an affidavit with the governor that attests that the approval applied for under subsection (c) is in effect. The office of Medicaid policy and planning shall file the affidavit under this subsection not later than five (5) days after the office of Medicaid policy and planning is notified of the approval.

(e) If the office of Medicaid policy and planning receives an approval for an increase under this SECTION from the United States

Department of Health and Human Services and the governor receives the affidavit filed under subsection (d), the office of Medicaid policy and planning shall increase the number of waiver slots for individuals eligible for the waiver not more than sixty (60) days after the governor receives the affidavit.

(f) This SECTION expires July 1, 2001.

1996-246-2

SECTION 2. (a) The office of the secretary of family and social services shall report before October 1 of each year to the state budget committee the following information:

(1) The number of individuals with developmental disabilities who reside in:

(A) community-based residential programs, including semi-independent living, alternative family, and supervised group living programs;

(B) large private intermediate care facilities for the mentally retarded;

(C) skilled nursing facilities; and

(D) state developmental centers.

(2) The current capacity of the residential categories listed in subdivision (1).

(3) The number of individuals waiting to move from large private intermediate care facilities for the mentally retarded and state developmental centers to a community-based residential program.

(4) The number of individuals currently receiving no residential services who are waiting to move into a community-based residential program.

(5) The short-term and long-term plans of the office of the secretary of family and social services to increase the availability of community-based residential options to meet the needs of individuals waiting for such services.

(b) This SECTION expires October 1, 2001.

1996-247-1

SECTION 1. (a) Before December 31, 1996, the division of disability, aging, and rehabilitative services shall purchase within existing funds appropriated to the division of disability, aging, and rehabilitative services personal computers and basic office automation software for installation in the bureau of developmental disability services.

(b) Before December 31, 1999, the division of disability, aging, and rehabilitative services shall plan, establish, and maintain a data system for the purpose of organizing, storing, and providing data concerning individuals with developmental disabilities. The developmental disability data system must:

(1) include information concerning:

(A) the number of individuals waiting to receive services;

(B) the number of individuals receiving services;

(C) information and referral tracking; and

- (D) cost, utilization, and need of services;
- (2) automatically retrieve data by:
 - (A) geographic areas;
 - (B) service categories;
 - (C) service providers; and
 - (D) characteristics of individuals receiving or waiting to receive services, including their age, sex, and income; and
- (3) be capable of generating:
 - (A) demographic reports;
 - (B) fiscal reports; and
 - (C) claim reports.
- (c) This SECTION expires December 31, 1999.

1996-248-1

SECTION 1. (a) As used in this SECTION, "council" refers to the environmental quality service council established by subsection (c).

(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of twenty-four (24) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The commissioner of the department or the commissioner's designee.

(4) Fifteen (15) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Four (4) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Four (4) individuals representing local government, not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental organizations, not more than one (1) of whom may be affiliated with the same political party.

(D) Two (2) individuals representing the general public, not more than one (1) of whom may be affiliated with the same political party.

(E) Three (3) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) Two (2) representatives of agriculture, not more than one (1) of whom may be affiliated with the same political party.

Until an appointment is made under clause (A), (B), (C), or (E),

an unfilled position shall be held by the corresponding member of the environmental quality service council serving on December 31, 1995, who was appointed under P.L.16-1994, SECTION 14(d)(4), and who represented the same interest as that of the unfilled position.

(e) Appointments are valid for two (2) years after the date of the appointment. However, a member shall serve on the council until a new appointment is made.

(f) A vacancy among the members of the council shall be filled by the appointing authority of the member whose position is vacant. If the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by the chairman of the legislative council.

(g) The chairman of the legislative council shall designate a member of the council to be the chairman of the council.

(h) The chairman of the council shall call for the council to meet at least six (6) times during a calendar year. The chairman may designate subcommittees to meet between committee meetings and report back to the full council.

(i) Each member of the council is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, serving on interim study committees established by the legislative council.

(j) The council shall do the following:

(1) Advise the commissioner of the department on policy issues decided upon by the council.

(2) Review the mission and goals of the department and evaluate the implementation of the mission.

(3) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(4) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(5) Submit a final report to the governor, the general assembly, the budget committee, and the administrative rules oversight committee established by IC 2-5-18 before November 1, 1996, and each year thereafter, that contains:

(A) an outline of activities of the council;

(B) recommendations for any department action;

(C) recommendations for any legislative action; and

(D) an estimate of funding levels required by the department, including an evaluation of permit fees.

(k) The commissioner of the department shall report to the council each month concerning the following:

(1) Permitting programs and technical assistance.

(2) Proposed rules and rulemaking in progress.

(3) The financial status of the department.

(4) Any additional matter requested by the council.

(l) The council shall:

- (1) operate under procedures; and
 - (2) issue reports and recommendations;
- as directed by the legislative council.
- (m) The legislative services agency shall provide staff support to the council.
 - (n) This SECTION expires December 31, 2000.

1996-249-12

SECTION 12. (a) As used in this SECTION, "motorboat" has the meaning set forth in IC 14-15-11-6.

(b) Notwithstanding IC 14-15-11-9, an individual who is less than fifteen (15) years of age and does not hold a valid driver's license may operate a motorboat on public waters if the individual:

- (1) has been issued an identification card by the bureau of motor vehicles under IC 9-24-16; and
- (2) was issued a certificate of completion by the department of natural resources before March 15, 1995, for successfully completing a boating education course approved by the department of natural resources.

(c) This SECTION expires July 1, 2001.

1996-250-1

SECTION 1. (a) The water resources study committee established by P.L. 329-1995 shall study and make recommendations concerning the following:

- (1) The subjects addressed in Senate Bill 409 and Senate Bill 438 (as introduced) of the 1996 legislative session.
- (2) The list of options for making Indiana's flood control law and rules consistent with the National Flood Insurance Program that was:

- (A) prepared by the division of water of the department of natural resources; and
- (B) reviewed by the senate natural resources committee on January 26, 1996.

(b) The water resources study committee shall report its recommendations under subsection (a) in the 1996 final report of the committee.

(c) This SECTION expires January 1, 1997.

1996-251-1

SECTION 4. (a) As used in this SECTION, "committee" refers to the managed care study committee established by subsection (b).

(b) The managed care study committee is established.

(c) The committee shall study all aspects of managed care, including the following:

- (1) IC 27-8-11-3.1.
- (2) Economic incentives that exist under capitated managed care health plans, including gatekeeper plans, in contrast to fee for service indemnity plans.
- (3) The impact of managed care on patient satisfaction and quality of care.

(4) Standards and criteria used to select and de-select health care providers, and the impact of those standards and criteria on quality of care, patient satisfaction, and cost.

(5) The impact of managed care on patient access to specialty care in Indiana.

(d) The committee is under the jurisdiction of the legislative council and shall operate under policies and procedures established by the legislative council.

(e) Before November 1, 1996, the committee shall issue a preliminary report that describes the actions taken by the committee in 1996 and presents any preliminary conclusions reached and any preliminary findings and recommendations made by the committee in 1996. The committee shall issue a final report stating its findings, conclusions, and recommendations before November 1, 1997. The committee shall issue other reports as directed by the legislative council.

(f) The committee consists of twelve (12) members of the general assembly.

(g) The president pro tempore of the senate shall appoint six (6) senators, not more than three (3) of whom are of the same political party, as members of the committee.

(h) The speaker of the house of representatives shall appoint six (6) representatives, not more than three (3) of whom are of the same political party, as members of the committee.

(i) The chairman of the legislative council shall name one (1) of the members as chairman. The vice chairman of the legislative council shall name one (1) of the members as vice chairman.

(j) A member of the committee serves at the pleasure of the appointing authority who appointed the member.

(k) The committee shall meet during the interim between adjournment of the 1996 regular session of the general assembly and November 1, 1997, on the call of the chairman or at other times the committee determines.

(l) Notice of the time, place, and agenda of committee meetings shall be given in the same manner as meetings of interim study committees established by the legislative council.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(n) Staff and administrative support for the committee shall be provided by the legislative services agency.

(o) The legislative council may establish a budget for the committee.

(p) Subject to prior authorization of the legislative council, the expenses incurred by the committee in performing the duties of the committee shall be paid from the funds appropriated to the legislative council.

(q) This SECTION expires December 31, 1997.

SECTION 1. (a) The commission for higher education and the state student assistance commission shall review the adequacy and accessibility of loan capital to students attending an approved institution of higher learning (as defined in IC 20-12-21-3) in Indiana to determine whether additional lending mechanisms are necessary. Not later than February 1, 1997, the commission for higher education and the state student assistance commission shall submit to the executive director of the legislative services agency a written report containing the findings and recommendations resulting from the review under this SECTION.

(b) This SECTION expires February 2, 1997.

1996-253-1

SECTION 1. (a) The legislative council shall determine whether to establish the juvenile code study commission (referred to in this SECTION as the "commission").

(b) The commission, if established, may have fifteen (15) members, appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be of the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be of the same political party, to be appointed by the speaker of the house of representatives.

(3) Two (2) judges having jurisdiction over juvenile cases, not more than one (1) of whom may be of the same political party, to be appointed by the chief justice of the supreme court.

(4) One (1) prosecuting attorney appointed by the chairman of the board of directors of the prosecuting attorneys council of Indiana.

(5) One (1) employee of the division of family and children, to be appointed by the governor.

(6) Three (3) persons whose professions concern mental health, education, and corrections respectively, to be appointed by the governor.

(c) The commission, if established, shall study issues of concern relating to the juvenile laws and make recommendations for their revision and improvement. The commission shall particularly, but not exclusively, direct its attention to the following:

(1) The delivery of juvenile services to delinquent, dependent, neglected, and mentally ill children.

(2) The treatment and care of children in need of services and the payment of such treatment and care.

(d) To implement its duties under this SECTION, the commission, if established, shall do the following:

(1) Conduct meetings to hear the concerns of citizens of Indiana and obtain advice from interested professionals.

(2) Issue a final report of its findings and recommendations to the chief justice of the supreme court, the governor, the legislative council, and the general assembly not later than November 1, 1996.

(e) Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). However, the member is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowance paid to members of the general assembly serving on interim study committees established by the legislative council.

(h) The legislative services agency shall provide staff support for the commission.

(i) The commission is under the jurisdiction of the legislative council and shall operate under policies and procedures established by the legislative council.

(j) This SECTION expires December 1, 1996.

1996-254-1

SECTION 1. (a) As used in this SECTION, "property" means the real estate legally described as follows:

Lot numbered 10 in Block "A" in Dunn's subdivision of a part of Lot "A" in Dunn's addition to the out lots of the town, now city of Bedford, Indiana, except 91 feet of equal width off the west end thereof.

ALSO, Lots numbered 11, 12, and 13 in Block "A" of Dunn's subdivision of Lot "A" of Dunn's addition to the out lots of the Town, now City, of Bedford, Indiana.

(b) The city of Bedford is authorized and directed to convey the property to Limestone Girl's Club, Inc. The conveyance of the property is subject to highways, easements, and restrictions of record.

(c) The city of Bedford shall have a quitclaim deed prepared to convey the property to Limestone Girl's Club, Inc.

(d) The deed shall state the conditions described in subsection (b).

(e) Limestone Girl's Club, Inc. shall record the deed in Lawrence County.

(f) This SECTION expires July 1, 1998.

1996-254-2

SECTION 2. (a) As used in this SECTION, "property" means the real estate legally described as follows:

Twenty-seven (27) feet of equal width off the west side of Lot Number Fifteen (15) in the Original Plat of the Town, now City, of Bedford, Indiana, together with and subject to the wall rights under a certain contract dated October 11, 1927, between Charlotta Reath

Dunihue, Albert Dunihue, her husband, and Charles McCarrell, record in Record 18 at page 531.

ALSO, Twenty-one (21) feet and ten and one-half (10 1/2) inches of even width off the east side of Lot Number 14 in the Original Plat of the Town, now City, of Bedford, Indiana together with and subject to any and all wall rights incident thereto.

ALSO, a part of Lot 15 in the City of Bedford bounded and described as follows: Beginning at a point twenty seven feet east of the north west corner of said lot, thence east twenty four feet seven and one half inches more or less to the center of the brick partition wall dividing the two story brick building a part of which is situated on the premises hereby described, said partition wall running north and south; thence south to the alley bounding the south end of said lot, thence running west to a point twenty seven feet east of the southwest corner of said lot thence north to the place of beginning.

ALSO, a part of Lot Number Fourteen (14) in the Original Plat of the Town, now City, of Bedford, described as follows: Beginning twenty-one feet ten and one-half inches (21' 10 1/2") West of the Northeast corner of said lot; running thence west forty (40) feet; thence south to the alley; thence east forty (40) feet; thence north to the place of beginning.

ALSO, a part of Lot 14 in the original plat of the town, now city, of Bedford, Indiana, bounded and described as follows, to-wit: Beginning in the center line of an existing wall 239 feet west of the northeast corner of lot 16 in said original plat of the town, now City, of Bedford, Indiana, and running thence south 90 feet along the center line of said existing wall to the end of said wall, thence continuing due south 90 feet to the alley and the south line of said Lot 14, thence east along the south line of said lot and the north line of said alley to a point which is 237 feet 3 inches west of the southeast corner of Lot 16 in said original plat, thence due north 180 feet to a point in the north line of said Lot 14, which is directly east of the point of the beginning, thence due west along the north line of said Lot 14 to the place of beginning.

(b) The North Lawrence Community Schools shall convey the property to Bedford Urban Enterprise Association, Inc. The conveyance of the property is subject to highways, easements, and restrictions of record.

(c) The North Lawrence Community Schools shall have a quitclaim deed prepared to convey the property to Bedford Urban Enterprise Association, Inc.

(d) The deed shall state the conditions described in subsection (b).

(e) Bedford Urban Enterprise Association, Inc. shall record the deed in Lawrence County.

(f) This SECTION expires July 1, 1998.